



Education Act Review

Renewing the Partnership

DRAFT
Recommendations

August 2001



MESSAGE FROM THE EDUCATION ACT REVIEW STEERING COMMITTEE

The Yukon *Education Act* is the major piece of legislation that governs the priorities and activities of the Department of Education. When it was proclaimed in 1990, the *Education Act* was visionary legislation. In many ways, the main goals of the act have been met over the past decade. However, the signing of the Yukon First Nation Final Agreements and the rapid entrenchment of technology in our education system are among the factors that have changed the educational landscape and underscore the need for revisions to the act.

The Education Act Review Steering Committee was established in June 1999 to undertake an extensive public consultation to review the act. The committee is made up of representatives selected by Yukon First Nations, school councils, teachers and the Department of Education. Between October 2000 and January 2001 committee members visited every Yukon community, meeting with the public, First Nations, school councils, teachers and students.

Yukoners care deeply about education. More than 1,500 people and groups participated in the consultation process. Their comments were passionate, thoughtful and innovative. Although the focus of the consultation has been the legislation itself, and the committee did receive many suggestions for improving the act, people also commented on aspects of education not specifically related to the legislation. In all, we received over 7,000 comments.

The members of the Education Act Review Steering Committee wish to thank everyone who participated in the public consultation process. We were impressed by the level of interest and the thoughtfulness of the input. Though it was challenging at times, we greatly enjoyed the process of reconciling sometime differing points of view. We hope that our recommendations will make what was a visionary piece of legislation even better.

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How to use this document:

During the fall and winter of 2000/2001, the Education Act Review Steering Committee visited all Yukon communities to meet and discuss with local residents and organizations, the review of the Education Act. The following pages contain the draft recommendations developed by the Committee after their public consultation. The following points may help you find the portion of the document that contains the recommendations that are of primary interest to you:

- The draft recommendations are presented in order according to the section of the current Education Act that is being considered. So, a proposed change to Section 4(a) would be listed before a change to Section 7, for example.
- If you are not familiar with the smaller "sections" of the Education Act, you may wish to use the larger "parts" to locate the recommendations in your area of interest. There are 330 sections in the Education Act and they are grouped into 13 larger parts. The 13 parts are named to indicate the general topic included in that part of the act. For example, Part 3 contains the sections that are about "Students and Parents"; Part 5 is about "Yukon First Nations". All the parts are listed by title in the table of contents that follows.
- Each page in this document has the relevant part and its name at the top. Pages that contain recommendations to sections that fall under Part 2 of the Act, for example, will have "Part 2- Territorial Administration" at the top for easy reference.

The complete text of the Education Act, including a more detailed table of contents, is available on the Education Act Review Web site. You can find the Web site by clicking the Education Act Review title on the Yukon Government Home Page.



A sample recommendation and how to read it:

RECOMMENDATION

→ **Current Act:** Section 5(a) The Minister shall: "establish courses of study for the implementation of the goals and objectives for the Yukon education system."

Proposed Change: Change 5(a) to read: "prescribe courses of study for the implementation of the goals and objectives for the Yukon education system." ←

→ **Clarification:** The term "prescribe" is used in other sections of the Act (for example, Section 51) and this change maintains consistency of terms. The Education Act Review Steering Committee thought "prescribe" more accurately described the Minister's role of determining what courses of study would be taught.

Consensus: May 9, 2001 ←

The current section of the act under review.

the changes being recommended

The reasons for the changes "in brief".

This line shows whether or not the Steering Committee reached consensus, and when.

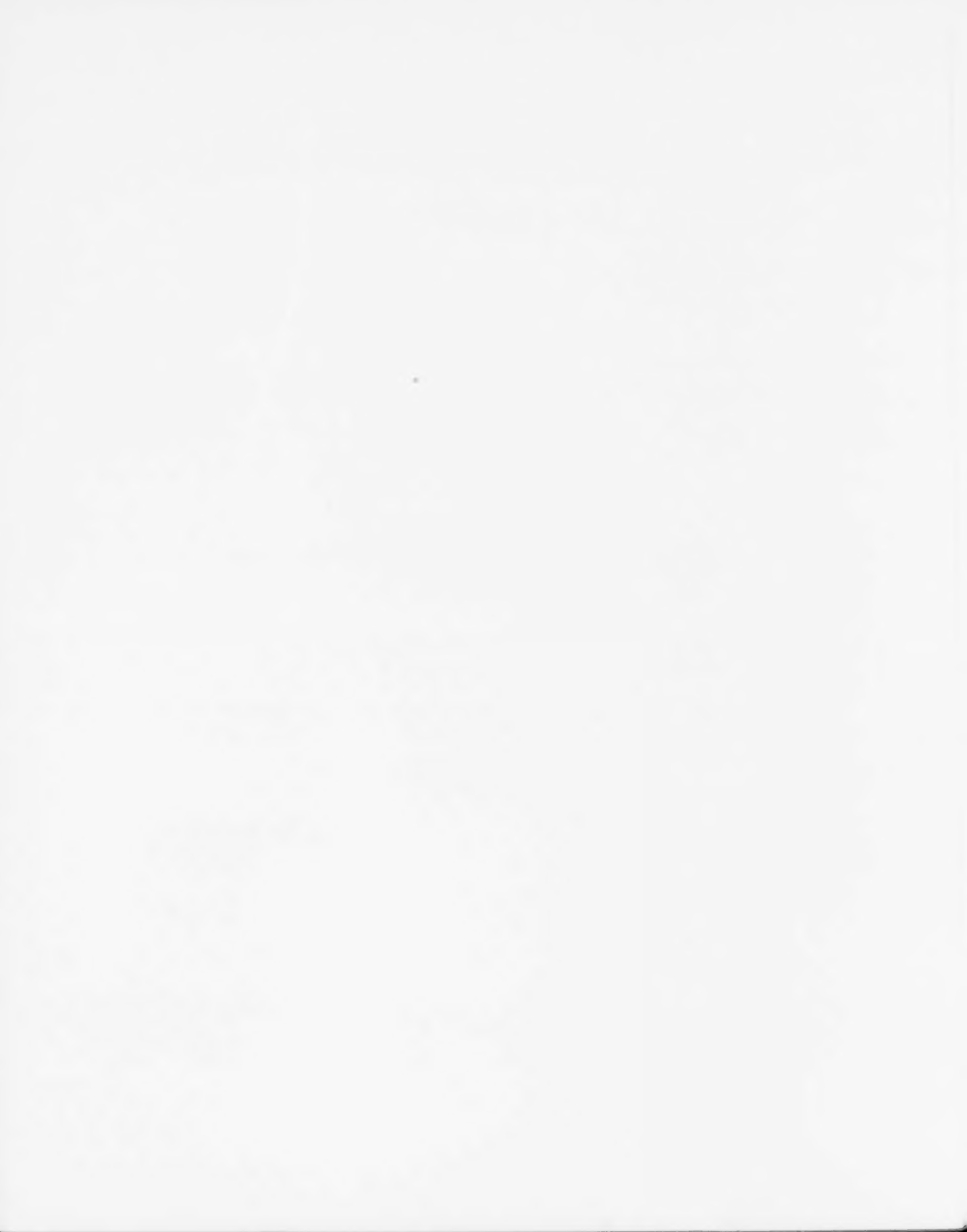


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**Draft Recommendations
Preamble**

RECOMMENDATION # 1

Current Act:

"Recognizing that Yukon people agree that the goal of the Yukon education system is to work in co-operation with the parents to develop the whole child including the intellectual, physical, social, emotional, cultural, and aesthetic potential of all students to the extent of their abilities so that they may become productive, responsible, and self-reliant members of society while leading personally rewarding lives in a changing world; and

Recognizing that the Yukon education system will provide a right to an education appropriate to the individual learner based on equality of educational opportunity; prepare students for life and work in the Yukon, Canada, and the world; instill respect for family and community; and promote a love of learning; and

Recognizing that meaningful partnerships with greater parental and public participation are encouraged for a high quality Yukon education system; and

Recognizing that the Yukon curriculum must include the cultural and linguistic heritage of Yukon aboriginal people and the multicultural heritage of Canada; and

Recognizing that rights and privileges enjoyed by minorities as enshrined in the law shall be respected.

Proposed Change:

Change the Preamble to read:

"Recognizing that Yukon people agree that the goal of the Yukon education system is to support the partnership among students, parents and educators so that children are able to develop to the full extent of their abilities, and

Recognizing that Yukon students have a right to an education appropriate to their individual needs and abilities, and

Recognizing that the Yukon education system respects the rights of Yukon First Nation people and minorities as enshrined in the law."

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Draft Recommendations
Preamble

Clarification: The Steering Committee received many requests to include more ideas in the Preamble. The inclusion of all the suggested ideas would make the Preamble very detailed and it would duplicate many of the revised Goals and Objectives in the Act. Therefore the Committee is recommending a shorter, enabling Preamble that contains the major principles for our education system. The substantive suggestions submitted by the public are included in the body of the Education Act.

Consensus: May 31, 2001

**Draft Recommendations
Part 1 - Interpretation**

RECOMMENDATION # 2

Current Act: Part 1 - Interpretation

Proposed Changes: *Change and/or add the following definitions.*

- ***“Consult” or “Consultation” – means to provide:***
 - a) *to the party to be consulted, notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter; and*
 - b) *a reasonable period of time in which the party to be consulted may prepare its views on the matter, and an opportunity to present such views to the party obliged to consult; and*
 - c) *full and fair consideration by the party obliged to consult of any views presented.*
- ***“School Plan” – means a strategic and operational plan prepared for each school by the school administration in consultation with the school council and staff, pursuant to regulations.***
- ***“Conflict of Interest” – means any vested interest a participant may have.***
- ***“Dismiss” – means to prohibit a student from attending school for the period of time specified pursuant to Section 40 of this Act.***
- ***“Suspend” – means to prohibit a student from attending school for the period of time specified pursuant to Section 41 of this Act.***
- ***“First Nation Language Teacher” – means an instructor of First Nation languages who is deemed to be a teacher for the purposes of Section 166 of this Act.***
- ***“Locally Developed Course of Study” – means any course of study not prescribed under Section 5(a) of this Act.***

Draft Recommendations
Part 1 - Interpretation

- *“Specify” – for the purposes of Section 46 (School Year), means to designate specific days, but not the content of the days.*
- *“Vice-Principal” – means a teacher who is appointed or designated to be a vice-principal pursuant to this Act.*
- *“Language of Instruction” – means the language being used by the teacher when delivering a course or program.*

Consensus: May 31, 2001

RECOMMENDATION # 3

Current Act: Part 1 - Interpretation

Proposed Change: *Replace “school-age” with the following two definitions.*

- *“Mandatory school-age” means 6 years 8 months to 16 years 0 months as of September 1.*
- *“Age of entitlement” means a student is entitled to attend school from 6 years 0 months to 19 years 0 months as of September 1.*

Clarification: There has been confusion about the use of the term “school-age”. Does it refer to the mandatory age for attendance or the age at which students have a right to be in school? Separating and labelling the two concepts in the definition section of the Act clarifies the terms for communication with the public.

Consensus: June 14, 2001

RECOMMENDATION # 4

Current Act: Part 1 - Interpretation

Proposed Change: *Change the definition of “Yukon First Nation” to read: “Yukon First Nation” means any First Nation recognized in the Yukon Umbrella Final Agreement.*

Clarification: This definition is consistent with the Umbrella Final Agreement and the Self-Government Agreements.

Consensus: May 31, 2001

**Draft Recommendations
Part 1 - Interpretation**

RECOMMENDATION # 5

Current Act: Part 1 - Interpretation

Proposed Change: *Add the definition: "Home Schooled Student" means a student registered pursuant to Section 31 of this Act.*

Clarification: Children who receive their education at home are defined as students.

Consensus: June 14, 2001

RECOMMENDATION # 6

Current Act: Part 1 - Interpretation

Proposed Changes:

- *Change the definition of "attendance area" to read: the area designated by the **Board of Education** for each school in its jurisdiction;*
- *Change the definition of "Individualized Education Plan (IEP)" to read: IEP is a document which outlines the educational program for a student as determined by an **Individualized Education Plan Team**, containing a description of the student's present level of functioning; long term or annual goals; short term goals or specific behavioural objectives; special resources required; suggested instructional materials, methods and strategies; IEP review dates; persons responsible for the implementation of the IEP, including parents; and parents' written, informed consent for implementation;*

Consensus: June 14, 2001

**Draft Recommendations
Part 1 - Interpretation**

RECOMMENDATION # 7

Current Act: Part 1 - Interpretation

Proposed Change: Replace "*aboriginal people*" with "*First Nations people*" and delete definition of "*aboriginal people*"

Clarification: At the request of the Council of Yukon First Nations, the term "aboriginal people" should be replaced by the term "First Nations people". A definition for "aboriginal people" is no longer necessary with the change in language throughout the Act.

Consensus: June 14, 2001

RECOMMENDATION # 8

Current Act: Throughout

Proposed Change: Replace "*Council for Yukon Indians (CYI)*" with "*Council of Yukon First Nations (CYFN)*"

Clarification: This recommendation reflects the change in the name of the central First Nation organization from 1990 to the present.

Consensus: May 9, 2001

RECOMMENDATION # 9

Current Act: Throughout

Proposed Change: Replace "*Indian*" with "*First Nation*"

Clarification: This change reflects the current language used by Yukon First Nations.

Consensus: May 31, 2001

Draft Recommendations
Part 2 – Territorial Administration

RECOMMENDATION # 10

Current Act:	Section 4(a)(v) The Minister shall establish and communicate for the Yukon education system goals and objectives, which are: ... “appreciation and understanding of creative arts”
Proposed Change:	<i>Change to read: “appreciation, understanding and knowledge of creative arts”</i>
Clarification:	This change was recommended to encourage a more substantive approach to the study of fine arts in our education system. Knowledge of the fundamentals in music, dance, visual arts and drama for example assist in all areas of learning.
Consensus:	March 30, 2001

RECOMMENDATION # 11

Current Act:	Section 4 “The Minister shall establish and communicate for the Yukon education system goals and objectives, which are: (a) to encourage the development of the students' basic skills, including (i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing, (ii) critical and creative thinking skills for today's world, (iii) an understanding of the role of science and technology in society, together with scientific and technological skills, (iv) knowledge of at least one language other than English, (v) appreciation and understanding of creative arts, (vi) the physical development and personal health and fitness of students, and (vii) the creative use of leisure time. (b) to develop self-worth through a positive educational environment, (c) to promote the importance of the family and community, (d) to provide opportunities to reach maximum potential, (e) to promote the recognition of equality among Yukon peoples consistent with the Canadian Charter of Rights and Freedoms and the Human Rights Act, (f) to develop an understanding of the historical and contemporary role of women and the reinforcement of the principle of gender equality and the contribution of women to society,
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Draft Recommendations
Part 2 – Territorial Administration

- (g) to promote understanding of the history, language, culture, rights, and values of Yukon First Nations and their changing role in contemporary society,
- (h) to increase awareness and appreciation of the Yukon's natural environment,
- (i) to develop an understanding of the historical and contemporary role of labour and business in society, and
- (j) to prepare for participation in a Yukon, Canadian, and global society."

Proposed Change: *(vii) the creative use of leisure time, and*
Add New: *Section 4(a)(viii) "trades and vocational skills."*

Clarification: Many Yukon students choose not to go to university or college and the needs of these students should be reflected in the goals and objectives of the Act.

Consensus: March 30, 2001

RECOMMENDATION # 12

Current Act: Section 4 "The Minister shall establish and communicate for the Yukon education system goals and objectives, which are:"

Proposed Change: *Add a new (b) and re-letter remainder: "to promote an understanding and valuing of the need for life-long learning,"*

Clarification: First Nations view life-long learning as a basic goal in education. It emphasizes the concept that learning occurs throughout life and not just during the public school years. First Nations have requested that the concept of life-long learning be included in the goals and objectives section of the Education Act.

Consensus: May 31, 2001

RECOMMENDATION # 13

Current Act: Section 4(b) The Minister shall establish and communicate for the Yukon education system goals and objectives, which are: ...
"to develop self-worth through a positive educational environment"

Proposed Change: *Change to read: "to encourage the development of self-worth through a positive educational environment"*

Draft Recommendations
Part 2 – Territorial Administration

Clarification: It is difficult to measure self-worth to determine whether or not it is developing. However, self-worth can and should be encouraged routinely.

Consensus: March 30, 2001

RECOMMENDATION # 14

Current Act: Section 4 The Minister shall establish and communicate for the Yukon education system goals and objectives, which are:

- (a) to encourage the development of the students' basic skills, including
 - (i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing,
 - (ii) critical and creative thinking skills for today's world,
 - (iii) an understanding of the role of science and technology in society, together with scientific and technological skills,
 - (iv) knowledge of at least one language other than English,
 - (v) appreciation and understanding of creative arts,
 - (vi) the physical development and personal health and fitness of students, and
 - (vii) the creative use of leisure time.
- (b) to develop self-worth through a positive educational environment,
- (c) to promote the importance of the family and community,
- (d) to provide opportunities to reach maximum potential,
- (e) to promote the recognition of equality among Yukon peoples consistent with the Canadian Charter of Rights and Freedoms and the Human Rights Act,
- (f) to develop an understanding of the historical and contemporary role of women and the reinforcement of the principle of gender equality and the contribution of women to society,
- (g) to promote understanding of the history, language, culture, rights, and values of Yukon First Nations and their changing role in contemporary society,
- (h) to increase awareness and appreciation of the Yukon's natural environment,
- (i) to develop an understanding of the historical and contemporary role of labour and business in society, and
- (j) to prepare for participation in a Yukon, Canadian, and global society.

Proposed Change: *Add new 4(e) "to provide a safe and secure environment for learning and teaching," and renumber remaining points.*

Draft Recommendations
Part 2 – Territorial Administration

Clarification: The Education Act should contain a statement that promotes safety from violence within our schools. Regulations and policies will contain procedures to help create a safe school environment.

Consensus: April 21, 2001

RECOMMENDATION # 15

Current Act: Section 4(f) The Minister shall establish and communicate for the Yukon education system goals and objectives, which are: ...
“to develop an understanding of the historical and contemporary role of women and the reinforcement of the principle of gender equality and the contribution of women to society”

Proposed Change: *Change to read: “to develop an understanding of the historical and contemporary role of women and the reinforcement of the principle of equality of opportunity and an understanding of the contribution of women to society”*

Clarification: The Education Act Review Steering Committee wishes to reinforce the concept that genders should have equal opportunity.

Consensus: March 30, 2001

RECOMMENDATION # 16

Current Act: Section 4(g) The Minister shall establish and communicate for the Yukon education system goals and objectives, which are: ...“to promote understanding of the history, language, culture, rights and values of Yukon First Nations and their changing role in contemporary society”

Proposed Change: *Change Section 4(g) to read: “to promote Yukon First Nations’ history, language, culture, rights, and values and their changing role in contemporary society in an environment that encourages, fosters and reflects the Yukon First Nations’ way of life.”*

Clarification: First Nations are an integral part of our society. Their culture, history, language and rights should be valued and promoted through our education system.

Consensus: March 30, 2001

Draft Recommendations
Part 2 – Territorial Administration

RECOMMENDATION # 17

- Current Act:** Section 4(h) The Minister shall establish and communicate for the Yukon education system goals and objectives, which are: ...
“to increase awareness and appreciation of the Yukon’s natural environment”
- Proposed Change:** *Change to read: “to support the Yukon way of life by promoting an awareness of and respect for the natural environment”*
- Clarification:** This goal has been strengthened by including the notions of “support for the Yukon way of life” and “respect”, not just “appreciation”, for the environment.
- Consensus:** April 21, 2001
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RECOMMENDATION # 18

- Current Act:** Section 5(a) The Minister shall: “establish courses of study for the implementation of the goals and objectives for the Yukon education system.”
- Proposed Change:** *Change 5(a) to read: “**prescribe** courses of study for the implementation of the goals and objectives for the Yukon education system.”*
- Clarification:** The term “prescribe” is used in other sections of the Act (for example, Section 51) and this change maintains consistency of terms. The Education Act Review Steering Committee thought “prescribe” more accurately described the Minister’s role of determining what courses of study would be taught.
- Consensus:** May 9, 2001
-

Draft Recommendations
Part 2 – Territorial Administration

RECOMMENDATION # 19

Current Act:	Section 5(c) The Minister shall... "contribute to the professional development of teachers,"
Proposed Change:	<i>Change word "teachers" to "Yukon Teachers' Association members"</i>
Clarification:	Professional development is provided for teachers and First Nations Language Instructors, Educational Assistants and other paraprofessionals. This proposed change reflects the current situation.
Consensus:	April 21, 2001

RECOMMENDATION # 20

Current Act:	Section 5 "The Minister shall"
Proposed Change:	<i>Add New 5(d) and re-letter existing sections: The Minister shall ... "upon the request of a First Nation negotiate with the First Nation or its delegated authority support for the development of First Nations curriculum and/or programming."</i>
Clarification:	The negotiation will provide support to begin the curriculum development process. The Act is not currently an impediment but the proposed language is an attempt to draw attention to the fact that the system has not worked effectively to develop First Nation's curricula.
Consensus:	May 8, 2001

RECOMMENDATION # 21

Current Act:	Section 5(h) The Minister shall... "table an annual report on the state of education in the Yukon, including reports from each School Board, in the Legislative Assembly during the session next following the end of the year for which the report is made."
Proposed Change:	<i>Change Section 5(h) to read: The Minister shall... "table an annual report on the state of education in the Yukon, including reports from each School Board, in the Legislative Assembly during the session next following the end of the year for which the report is made. The annual report shall include performance indicators that will demonstrate the effectiveness of Yukon education and academic programming as per regulations and policies."</i>

Draft Recommendations
Part 2 – Territorial Administration

Clarification: People want to know how students (First Nations and non-First Nations) and schools are doing academically. The information is necessary to monitor progress of groups of children and for parents to place their child's performance within the context of their community school, the territory and the country.

Consensus: March 30, 2001

RECOMMENDATION # 22

Current Act: Section 5 – "The Minister shall
(a) establish courses of study for the implementation of the goals and objectives for the Yukon education system,
(b) provide lists of textbooks, apparatus, equipment and other materials that are prescribed, approved or recommended for use in any school,
(c) contribute to the professional development of teachers,
(d) issue, suspend, and cancel teaching certificates in accordance with the requirements of the regulations,
(e) institute adult training and continuing education programs,
(f) provide for human resource development, planning services and employment development job retention programs,
(g) provide for the financing of the Yukon education system out of funds appropriated by the Legislative Assembly, and
(h) table an annual report on the state of education in the Yukon, including reports from each School Board, in the Legislative Assembly during the session next following the end of the year for which the report is made."

Proposed Change: *Add new S(i) "maintain, repair, furnish, and keep in good order all of its real and personal property"*

Clarification: School Boards are required to maintain property in the schools under their jurisdiction. This proposed change is parallel language to ensure that the Minister has the responsibility to maintain property in the remaining schools.

Consensus: May 10, 2001

RECOMMENDATION # 23

Current Act: Section 5(a) The Minister shall: "establish courses of study for the implementation of the goals and objectives for the Yukon education system."

**Draft Recommendations
Part 2 – Territorial Administration**

Proposed Change: *Add New Section 5(j) "when developing local First Nations/Cultural curriculum or programs do so in partnership with the local First Nation or delegated authority."*

Clarification: The goal is to have a meaningful partnership with First Nations and not have curriculum and programs developed in isolation. The emphasis is that First Nations curriculum should be developed with the local First Nation. One generic First Nation program is not adequate because each First Nation wishes to be involved in the development of the program content for use in their community.

Consensus: May 8, 2001

RECOMMENDATION # 24

Current Act: Section 5 The Minister shall ...

Proposed Change: *Add a new Section 5 provision in the Act for an "appropriate period of notice and opportunity for the review and consideration by First Nations, School Councils and Yukon Teachers' Association of all new regulations enacted by the Minister."*

Clarification: The goal is to have the four partner groups consulted in a meaningful way during the development of regulations. Regulations should not be developed in isolation. This recommendation is in accordance with the Umbrella Final Agreement and Self-Government Agreements.

Consensus: May 31, 2001

RECOMMENDATION # 25

Current Act: Section 6(i)(c) The Minister may "approve a locally developed course or courses of study for use in a school,"

Proposed Change: *Delete Section 6(c)*

Clarification: The authority for approval of locally developed courses is given to the Board of Education under the new Section 43(3).

Consensus: May 31, 2001

**Draft Recommendations
Part 2 – Territorial Administration**

RECOMMENDATION # 26

Current Act:	Section 6(1)(d) The Minister may ... "supply textbooks and other instructional materials, apparatus or equipment to students, teachers, School Boards, or Councils"
Proposed Change:	<i>Move this statement to Section 5 "The Minister shall" rather than remaining in Section 6 "The Minister may"</i>
Clarification:	School Councils, Yukon Teachers' Association, First Nations – Agree. Moving this statement to Minister "shall" adds strength to the requirement of the Minister to provide instructional materials for courses he prescribes. This is parallel language with the requirement for school boards. Dept. of Education – Disagree Moving the statement to the "Minister shall" prevents the granting of requests for specialized texts, supplies and out of the ordinary textbooks. The language is less enabling in the "Minister shall" section.
No Consensus:	March 30, 2001

RECOMMENDATION # 27

Current Act:	Section 6(1)(g) The Minister may ... "establish and provide for the operation of student residences and boarding programs for students who reside in the Yukon and leave home in order to receive an educational program and the prescribing of fees, if any, to be charged for the accommodation, and"
Proposed Change:	<i>Change to read: "establish and provide, solely or in conjunction with other partners for the operation of student residences and boarding programs for students who reside in the Yukon and leave home in order to receive an educational program and the prescribing of fees, if any, to be charged for the accommodation."</i>
Clarification:	This change provides the opportunity for the Department of Education to operate a residence in partnership with other groups. The Education Act does not prohibit this option now but the statement makes it more explicit to address some concerns that have been heard from the public.
Consensus:	March 30, 2001

Draft Recommendations
Part 2 – Territorial Administration

RECOMMENDATION # 28

- Current Act:** Section 6 “The Minister may
- (a) establish schools and provide for the closure of schools subject to the guidelines,
 - (b) designate the grades and special programs to be offered in each school operated by the Minister,
 - (c) approve a locally developed course or courses of study for use in a school,
 - (d) supply textbooks and other instructional materials, apparatus or equipment to students, teachers, School Boards, or Councils,
 - (e) appoint such advisory, administrative, or consultative bodies as may be considered necessary subject to the regulations,
 - (f) prescribe forms and notices as required for the administration of this Act,
 - (g) establish and provide for the operation of student residences and boarding programs for students who reside in the Yukon and leave home in order to receive an educational program and the prescribing of fees, if any, to be charged for the accommodation, and
 - (h) provide for any other matter that the Minister considers advisable to effectively administer the Act and the Yukon education system.
- (2) The Minister shall seek advice from the School Board before exercising any power pursuant to paragraph 1(a) that may affect a school operated by that School Board.
- Proposed Change:** *New subsection 6(1)(i) to read: “at the request of, or with the agreement of a First Nation, develop and implement local Yukon First Nations programs with the involvement of local First Nation or its delegated authority on the history, language, culture, rights and values of Yukon First Nations.”*
- Clarification:** This change provides the opportunity to carry out the goal of Section 4(g). The local First Nation would be involved in decision making about their curriculum.
- The goal of Section 4(g) is to promote First Nations history and culture, Section 5(j) establishes that curricula will be developed in partnership and 6(i) provides for the development of First Nations programs at the request of First Nations. Therefore First Nations initiate the process and it must happen.

Draft Recommendations
Part 2 – Territorial Administration

FN Concern: The First Nation representatives were concerned that including this section in the “Minister may” section raises concerns that curricula will actually be developed when requested. However,

the First Nations representatives agreed in principle with the process that must be followed as outlined above.

Consensus: May 8, 2001

RECOMMENDATION # 29

Current Act: Section 7 “The Minister may make agreements on any matter respecting education or the operation of schools in the Yukon Territory with the Government of Canada, a Yukon First Nation, the Central Indian Education Authority, or if the Central Indian Education Authority has not been established, the Council for Yukon Indians, the government or agent of any other jurisdiction, a School Board or Council in accordance with terms and conditions approved by the Commissioner in Executive Council.”

Proposed Change: *Change to read: “The Minister may make agreements on any matter respecting education or the operation of schools in the Yukon Territory with the Government of Canada, a Yukon First Nation **or its delegated authority**, the Central Indian Education Authority, or if the Central Indian Education Authority has not been established, the Council for Yukon **First Nations**, the government or agent of any other jurisdiction, a School Board or Council **or the Yukon Teachers’ Association** in accordance with terms and conditions approved by the Commissioner in Executive Council.”*

Clarification: Adding Yukon Teachers’ Association reflects the reality of current practice.

Consensus: March 30, 2001

Draft Recommendations
Part 2 – Territorial Administration

RECOMMENDATION # 30

Current Act:

Proposed Change: *Create New Section: “Access to Education” and put the following into the new section.*

Section 19 – Choice of Education

Section 11 – Responsibility to resident students

Section 13 – Access

Section 14 – Choice of other educational program

Section 30 – Distance education

Section 31 – Home education

Section 47 – Transportation

Section 48 – Accommodation

Clarification: This grouping is recommended to make related sections of the Act readily accessible to members of the public who are not frequent users of the legislation.

Consensus: March 30, 2001

Draft Recommendations
Part 3 – Parents and Students

RECOMMENDATION # 31

Current Act: Section 10 “Persons are entitled to receive an educational program appropriate to their needs in accordance with the provisions of this Act (a) who at September 1 in a year are 5 years and 8 months of age or older and younger than 21 years of age, and (b) who are Canadian citizens, lawfully admitted to Canada for temporary or permanent residence, a child of a Canadian citizen, or a child of an individual who is lawfully admitted to Canada for permanent or temporary residence.”

Proposed Change: *Change (a) to read: “who at September 1 in a year are 6 years 0 months of age or older and younger than 19 years of age, and”*

Clarification: Age 6 years 0 months maintains parallel ages to the proposed 4 years 0 months and 5 years 0 months entry ages for K-4 and K-5.

The goal is to bring a coherent program to children in a consistent way from 4 years 0 months, 5 years 0 months to 6 years 0 months.

The increase in age may encourage parents to subscribe to one of the earlier programs (K-4 or K-5).

During the public consultation members of the public and the teaching force expressed a concern with placing 21-year-old students in a secondary school where grade 8 students attend.

Although the maximum age is recommended to be 19 years, Section 13 permits a senior official to allow an older student to attend a high school if the situation is deemed to be appropriate. This has been the current practice and has allowed the necessary flexibility and judgement.

Consensus: April 21, 2001

RECOMMENDATION # 32

Current Act: Section 12 Title “Free Education”

No tuition fees consequent to the student's attendance for an educational program as determined under section 11 shall be charged to the student or the parents of the student.”

Proposed Change: *Change title to read: “Tuition Fees”*

Draft Recommendations
Part 3 – Parents and Students

Clarification: The title of Section 12 “Free Education” has been used as a rationale against levying school fees and other operational charges. Education is free because families do not pay for the educational program. However, school fees and other operational charges may be levied.

The body of this section addresses the charging of tuition fees, but it does not provide direction regarding the concept of a free education in relation to charging fees. The change in title will remove the confusing notion of a “free” education.

Consensus: April 21, 2001

RECOMMENDATION # 33

Current Act: Section 12 “No tuition fees consequent to the student's attendance for an educational program as determined under section 11 shall be charged to the student or the parents of the student.”

Proposed Change: *This section should include three main ideas:*

1. *No tuition fees will be charged for Yukon students,*
2. *Schools may charge school based fees pursuant to regulations,*
3. *Affordability must NOT be a barrier to participation in an education program.*

Clarification: This change permits the practice of collecting school fees while maintaining the notion that tuition will not be charged.

Section 12 must be supported by clear policy to ensure that affordability is not a barrier.

Consensus: April 21, 2001

RECOMMENDATION # 34

Current Act: Section 13 “The deputy minister or where there is a School Board, the School Board may permit a person who is 21 years of age or older to enroll in an educational program on such terms as may be prescribed by the deputy minister or School Board.”

Proposed Change: *Change to read: “The deputy minister, or where there is a School Board, the School Board may permit a person who is 19 years of age or older to enroll in an educational program on such terms as may be prescribed by the deputy minister or School Board.*

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Clarification: During the public consultation members of the public and the teaching force expressed a concern with placing 21-year-old students in a secondary school where grade 8 students attend.

Although the maximum age is recommended to be 19 years, Section 13 permits a senior official to allow an older student to attend a high school if the situation is deemed to be appropriate. This has been the current practice and has allowed the necessary flexibility and judgement.

Consensus: April 21, 2001

RECOMMENDATION # 35

Current Act: Section 15(2) “A student who is entitled to an Individualized Education Plan shall have the program delivered in the least restrictive and most enabling environment to the extent that is considered practicable by the deputy minister or by a School Board in consultation with professional staff and parents, having due regard for the educational needs and rights of all students.”

Proposed Change: *Add to end of statement “as per guidelines under 15(3)”*

Clarification: This references the current guidelines as the resource for the definition, processes and forms necessary for the implementation of Individualized Education Plans.

Consensus: April 21, 2001

RECOMMENDATION # 36

Current Act: Section 16(2)(d) “Before a student is determined to be a student with special educational needs and, if so, what Individualized Education Plan is appropriate, the following procedures shall be followed:

- (a) the student shall be referred to the department for a determination of the assessments that may be required to be performed,
- (b) the parent of the student shall receive written information concerning the procedures outlined in this section,
- (c) prior written informed consent by a parent for the psychological and other specialized tests that are not routinely used by teachers shall be obtained,
- (d) where appropriate, the assessment shall be multidisciplinary,
- (e) the results of the assessment reports shall be provided and explained to the parent,

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(f) a parent and, where appropriate, the student, shall be consulted prior to the determination of and during the implementation of an Individualized Education Plan, and

(g) the parents shall be provided with information concerning the right of appeal to the Education Appeal Tribunal.”

Proposed Change: *Change (d) to read “where appropriate, the assessment shall be coordinated across disciplines”*

Consensus: April 21, 2001

RECOMMENDATION # 37

Current Act: Section 16(3) “Parents shall have the right to request for their children a determination in accordance with this section.”

Proposed Change: *Change to read “ Parents shall have the right to request for their children a **timely** determination in accordance with this section.”*

Clarification: A determination should be done quickly and efficiently without placing specific timelines on the process.

Consensus: April 21, 2001

RECOMMENDATION # 38

Current Act: Section 16(4) “Parents shall be invited to be members of a school based team that is established for their child.”

Proposed Change: *Replace “school based team” with “**individualized education plan team**”*

Clarification: The School Based Team is an advisory body in each school consisting of the school administrator, the learning assistance teacher and the school counselor. The School Based Team assists classroom teachers in dealing with a student’s educational difficulties by engaging in collaborative problem solving. Parents are not members of the School Based Team, however, parents are a vital component of the Individualized Educational Plan team that develops, implements and monitors the plan for their own child.

Consensus: April 21, 2001

**Draft Recommendations
Part 3 – Parents and Students**

RECOMMENDATION # 39

Current Act: Section 18 Rights and Responsibilities of Parents

Proposed Change: *Add a section "Parent Responsibilities"*

"It is the responsibility of parents to support their children in achieving learning success by:

- a) causing his or her child to attend school as required by this Act,*
- b) ensuring the basic needs of his or her child are met,*
- c) having due care for the conduct of his or her child at school and while on the way to and from school,*
- d) encouraging his or her child to attend to assigned homework, and*
- e) communicating reasonably with school personnel employed at the school his or her child attends as required in the best interests of the child."*

Clarification: This is a clarification of what can reasonably be expected from parents who are a vital partner in the education of their child. Including both rights and responsibilities sections in the Act for parents parallels the two sections written for teachers and students.

Consensus: May 31, 2001

RECOMMENDATION # 40

Current Act: Section 18(1)(a) Parents of students attending school are entitled... "to be informed of the progress, behaviour and attendance of their children,"

Proposed Change: *Change to read: "to be informed of the progress, behaviour and attendance of their children in a timely fashion,"*

Clarification: If there are concerns about a student, parents want the information early so a plan can be discussed to remedy the situation.

Consensus: April 21, 2001

Draft Recommendations
Part 3 – Parents and Students

RECOMMENDATION # 41

Current Act:	Section 18(1)(c) Parents of students attending school are entitled ... "to appeal decisions that significantly affect the education, health or safety of their children, and"
Proposed Change:	<i>Change (c) to read: "to appeal decisions that significantly affect the education, health or safety of their children, as outlined in Part 8, and"</i>
Clarification:	This change refers parents to the specifics of the appeals process in Part 8.
Consensus:	April 21, 2001

RECOMMENDATION # 42

Current Act:	Section 18(1)(d) Parents of students attending school are entitled... "to be consulted in the development of any specialized educational programs prepared for their children."
Proposed Change:	<i>Change (d) to read: "to be a member of the Individual Education Plan team that is established to develop and implement a specialized education plan for their child."</i>
Clarification:	This wording reflects the desired participation of parents as full and active members in the Individualized Educational Plan (IEP) process.
Consensus:	April 21, 2001

RECOMMENDATION # 43

Current Act:	Section 22(2)(c) "A student is excused from attendance at school if (a) the student is unable to attend school by reason of sickness or other unavoidable cause, (b) the student is a participant in religious observances, celebrations, or activities recognized by a religious denomination, (c) the student is a participant in Yukon aboriginal cultural activities or in aboriginal harvesting activities, (d) the student has been suspended by a school and has not been given permission to enroll in another school, (e) the student is enrolled and in regular attendance at a private school or a home education program in accordance with this Act, or
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(f) the student is enrolled in distance education courses as approved by the deputy minister."

Proposed Change: *Change (c) to read "the student is a participant in Yukon aboriginal cultural **and spiritual** activities, or in aboriginal harvesting activities,"*

Clarification: This change acknowledges the importance of spirituality in First Nations' culture.

Consensus: April 21, 2001

RECOMMENDATION # 44

Current Act: Section 23(1) "The superintendent or director may, on application from a student or a parent of a student, excuse the student from attendance at school and may attach conditions to the permission to be excused."

Proposed Changes:

- *Remove Section 23 (1-3) from Act; move to regulations.*
- *Add New: Section 22(2)(g) "approved by the superintendent or director on application by the student or parent, pursuant to the regulations."*

Clarification: Principals currently operate under Section 22. Adding a new 22(2)(g) allows for referral from principals to Superintendents for decision/approval for longer term or atypical absences as currently outlined in Section 23

The process for consideration required by the superintendent should move to regulations.

Consensus: April 21, 2001

RECOMMENDATION # 45

Current Act: Section 25 "The deputy minister or a School Board may designate school attendance counsellors to assist in the enforcement of the compulsory attendance provisions of this Act."

Proposed Change: *Change to read: "The deputy minister or a School Board **shall** designate school attendance counsellors to assist in the enforcement of*

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the compulsory attendance provisions of this Act pursuant to regulations.”

Clarification: Attendance is an identified issue of concern in all communities. It is important for someone to have the mandate to work towards improving attendance. The Education Act Review Steering Committee would encourage the identification of funds to support this initiative.

The Education Act Review Steering Committee recognizes the need for flexibility from school to school when identifying an attendance counsellor. In a small school, the attendance counsellor may be the principal. In another community, the First Nation's worker may be assigned the duties of the attendance counsellor.

Consensus: April 21, 2001

RECOMMENDATION # 46

Current Act: Section 26 “School Boards, Councils, and, where a school committee exists, the superintendent, shall establish an attendance policy for their students.”

Proposed Change: Add “*pursuant to regulations.*” at the end of the sentence.

Clarification: The goal is to define the parameters for attendance policies in the regulations and to provide a core set of attendance guidelines common to all schools. Currently, attendance is being handled in a variety of ways.

Consensus: April 21, 2001

RECOMMENDATION # 47

Current Act: Section 27(1) If a child is required to attend school pursuant to this Act and the parent neglects or refuses to take reasonable steps to cause the child to attend school, the parent is guilty of an offence and is liable to a fine of not more than \$100.00 and each day's continuance of such failure or neglect shall constitute a separate offence.

Proposed Change: Change Section 27(1) to read: “If a child is required to attend school pursuant to this Act and the parent neglects or refuses to take **demonstrable** steps to cause the child to attend school, the parent is guilty of an offence and is liable to a fine of not more than \$100.00 and each day's continuance of such failure or neglect shall constitute a separate offence.

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Clarification: "Reasonable" is unclear where "demonstrable" requires information and reporting.

Consensus: April 21, 2001

RECOMMENDATION # 48

Current Act: Section 31 Home Education

Proposed Change: *The Act should contain two basic notions:*

- 1. Support for home education, and*
- 2. Support for registration of home educated students.*

The rights and responsibilities that flow from these statements should be in regulations.

Some of the issues that will be included in drafting of the Home Schooling Regulations are outlined below:

- *Parents who wish to have their children Home Schooled should be required to register those students with the Department of Educ.*
- *Those parents should be required to submit a one-year plan for the learning of the students, as opposed to the current three-year plan.*
- *Students involved in Home Schooling should be encouraged to participate in territory wide numeracy and literacy tests approved by the Minister. Those Home School students receiving support from the Minister are required to take the tests.*
- *The Department of Education should be responsible to provide support to registered Home School students.*
- *Registered Home School students should have reasonable access to school facilities and equipment where available and needed for successful completion of coursework.*
- *The commencement of Home Schooling should only be an option at the beginning of a school year or semester, except in exceptional circumstances.*

Clarification: Operational information should be moved to regulation to allow the system to fashion the changes that will occur as more and varied forms of education appear in the system.

Consensus: April 21, 2001

**Draft Recommendations
Part 3 – Parents and Students**

RECOMMENDATION # 49

Current Act: Section 32(3) "Children are not eligible for a kindergarten program unless they have attained the age of 4 years and 8 months by September 1."

Proposed Change: *Add a K-4 program throughout the system.
Children are eligible for K-4 program if 4 years by September 1.
Children are eligible for K-5 program if 5 years by September 1.*

Clarification: The addition of a K-4 (Kindergarten for 4 year olds) program is to provide entry to an earlier learning experience to improve pre-literacy and socialization skills. The K-4 program is preparatory to the traditional K-5 program.

The K-4 and K-5 programs are both optional.

The proposed changes to the kindergarten program are summarized below:

K-4	Optional	4 years 0 months by Sept 1
K-5	Optional	5 years 0 months by Sept 1
Gr. 1	Optional	6 years 0 months by Sept 1
Gr. 1	Mandatory	6 years 8 months by Sept 1

Regulations should contain information about the formation of a K-4 class that parallels existing regulations for K-5 classes. That is, state the required number of students who reside in an area and who request a K-4 program to establish a new class.

Consensus: April 21, 2001

RECOMMENDATION # 50

Current Act: Section 32(4) "A child may not attend more than one session of kindergarten per day as defined in the regulations."

Proposed Changes:

- *Outline "kindergarten day options" in Regulations.*
- *Define "session" in Regulations.*

Clarification: Many options for full/half day kindergarten, everyday kindergarten and alternate days were presented during the public consultation.

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The goal of the proposed regulation is to have maximum flexibility in the kindergarten program schedule rather than mandating full day, everyday.

As the public and Department of Education learn the most effective program schedule over time, the regulations can be updated and adjusted.

The Act states that a student cannot attend more than one session of kindergarten, but full day and half-day options exist; the notion of session is currently unclear.

Number of instructional minutes is missing from Act. It is recommended that "required minutes of instruction" be included in the definition of "session" in regulations.

Consensus: April 21, 2001

RECOMMENDATION # 51

Current Act: Section 32(6) "Where there is more than one school in a community, the Minister or School Board shall designate the school or schools that shall offer the kindergarten program."

Proposed Change: *Change to read: "Where there is more than one school in a community, the Minister or School Board in consultation with the relevant School Council, shall designate the school or schools that shall offer the kindergarten program."*

Clarification: When there is a choice of school building to house the local kindergarten program(s), the parents and community should be given the opportunity to voice their opinions and preferences.

Consensus: April 21, 2001

Draft Recommendations
Part 3 – Parents and Students

RECOMMENDATION # 52

Current Act:	Section 34	Rights of Students
Proposed Change:	<i>Add the following to Section 34 "Every student has the right to a learning environment that is free from physical and other abuse."</i>	
Clarification:	This recommendation reflects the desire of the Education Act Review Steering Committee, on behalf of the public, to state clearly the type of learning environment students have a right to enjoy.	
Consensus:	May 31, 2001	

RECOMMENDATION # 53

Current Act:	Section 34(f)	In accordance with this Act, students attending school are entitled to ..."appeal, either individually or with their parents, decisions that significantly affect their education, health, or safety."
Proposed Change:	<i>Change to read "appeal, either individually if older than 16 years, or with their parents, decisions that significantly affect their education, health or safety."</i>	
Clarification:	The proposed change recognizes 16 years as the age a student may legally leave school. It follows that the student should also be able to appeal a decision without their parents. The inclusion of the age limit prevents younger students from appealing decisions without the involvement of their parents.	
Consensus:	April 21, 2001	

RECOMMENDATION # 54

Current Act:	Section 38	Duties of Students
Proposed Changes:	• <i>Change Title of Section 38 to "Responsibilities of Students"</i> • <i>Change Section 38 to read: "Every student shall (a) observe the rules of the school,</i>	

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- (b) accept increasing responsibility for his or her learning as he or she progresses through his or her schooling,*
- (c) pursue in a diligent manner the courses of study and carry out learning activities as may be required by a teacher,*
- (d) attend school regularly and punctually,*
- (e) attend school free from the influence and possession of alcohol and illegal substances,*
- (f) contribute to a safe and positive learning environment,*
- (g) be responsible for his or her conduct at school and while on the way to and from school,*
- (h) co-operate with the principal, teachers and all persons authorized to provide school programs and other services,*
- (i) be respectful of the cultural, spiritual and religious values and beliefs of others,*
- (j) return any schools books or apparatus on loan when required to do so by a teacher or principal, and*
- (k) refrain from damaging or mutilating any school property.*

Clarification: This section clarifies and expands the direction students receive from the legislation about how they are expected to behave.

Consensus: June 14, 2001

RECOMMENDATION # 55

Current Act: Section 39(1) "A School Board or Council and, where no School Board or Council has been established, the superintendent shall review, modify if necessary, and approve rules for the school and procedures for the enforcement of the rules as developed by the school administration in consultation with school employees and after having requested input from students."

Proposed Change: *Include the power for the Minister to establish, by regulation, a core of school rules and consequences for the territory.*

Clarification: The development of these regulations will allow for a core group of school rules and consequences that will be common for all schools. With this core as a basis, individual school communities may complete the set of school rules that best meet the unique needs of their students.

The regulations must clearly define the roles of School Councils, Boards and superintendents in administering discipline.

Consensus: April 21, 2001

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RECOMMENDATION # 56

- Current Act:** Section 39(4) “Discipline of students shall be administered in accordance with this Act and the rules and procedures established by the School Board, Council, or superintendent.”
- Proposed Change:** *Change to read “Discipline of students shall be administered in accordance with this Act, **pursuant to regulations.**”*
- Clarification:** In the development of these regulations, reference to Section 39(1) will allow the development of a core group of school rules and consequences that will be common for all schools. With this core as a basis, individual school communities may complete the set of school rules that best meet the unique needs of their students.
- The regulations must clearly define the roles of School Councils, Boards and superintendents in administering discipline.
- Consensus:** April 21, 2001
-

RECOMMENDATION # 57

- Current Act:** Section 40(2)(b) When a student has been dismissed, the principal shall ... “meet as soon as possible with the student and the parents of the student to review the circumstances surrounding the dismissal and to determine appropriate corrective action.”
- Proposed Change:** *Insert “a person may be identified by the parent to accompany them to the meeting if desired.”*
- Clarification:** Some parents are uncomfortable meeting with a teacher or principal and wish to have a “neutral” person attend with them. It is intended that the person accompanying the parent may speak on behalf of the parent/student.
- Consensus:** April 21, 2001
-

RECOMMENDATION # 58

- Current Act:** Section 41(1) A principal may suspend a student for a period not exceeding 10 school days for any breach by the student of the duties specified in section 38.
- (2) A principal may recommend to a School Board, Council, or where there is no Council, a superintendent that a student be suspended for a period greater than 10 school days.

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- (3) When a principal suspends a student or makes a recommendation for suspension for a period exceeding 10 school days, the principal shall report in writing to the parents of the student and to the School Board, the Council, or where there is no Council, the superintendent the reason or reasons for the suspension.
- (4) The parent of a suspended student and the suspended student may make representations to the School Board, Council, or where there is no Council, the superintendent with respect to the suspension or the recommendation for a suspension for a period exceeding 10 school days.
- (5) The School Board, Council, or superintendent may
- (a) reinstate the student,
 - (b) uphold the suspension, or
 - (c) place the student on a suspension that exceeds 10 school days and that ends at the end of the semester or school year, whichever occurs first.
- (6) The student shall remain suspended until the School Board, Council, or superintendent has reached a decision.
- (7) A student or a parent of a student may appeal within 14 days of receipt of a suspension decision by a School Board, Council, or superintendent to the Education Appeal Tribunal established pursuant to this Act.
- (8) The School Board, Council, or superintendent shall inform the student and the parents of the student of the right of appeal under subsection (7).

Proposed Changes:

- *Remove “or” from 41(5)(b)*
- *Add New 41(5)(c) “alter the term of suspension, or”*
- *Move wording in current (c) to (d)*

Clarification:

School Councils have asked for increased options when hearing suspension appeals. They wish to have the flexibility to reduce as well as increase the term of a suspension.

Consensus:

April 21, 2001

RECOMMENDATION # 59

Current Act:

Section 41 – Suspension of Students

Proposed Changes:

- *Permit the appeal of a suspension to happen prior to the serving of the suspension in certain circumstances.*

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Part 3 – Parents and Students

- *Appeal is to be carried out pursuant to Regulations.*
- *The suspension will be immediate if a student is deemed to be a danger to self or others.*

Clarification: This protocol prevents a student from serving the “sentence” before he/she benefits from the appeal process. Currently the student is suspended immediately and the appeal process follows.

The appeal must be initiated within a reasonable time period. Best practice is to have the consequence for unacceptable behavior delivered soon after the infraction.

Consensus: June 14, 2001

RECOMMENDATION # 60

Current Act: No reference

Proposed Change: *Put Division 6 before Division 3 and renumber.*

Clarification: The reordering of the Divisions brings the “Students” and “Parents” sections closer together for comparison and ease of reference.

Consensus: April 21, 2001

RECOMMENDATION # 61

Current Act: Sections 20, 22, 37 and Part 8

Proposed Change: *Review the age of majority in the Access to Information and Protection of Privacy Act (ATIPP) and ensure consistency across sections, 20, 22, 37 and Part 8 - Appeals*

Clarification: If a student is not living with a parent or guardian, then the student alone should be responsible for access to records and authorizing activities.

Consensus: April 21, 2001

**Draft Recommendations
Part 4 – School Operations**

RECOMMENDATION # 62

Current Act: Section 43 (1) "A locally developed course of study may be used in an educational program if the course has been approved by a School Board or Council and the Minister."

Proposed Change: *Change Section 43 to read:*
"(1) Locally developed courses may constitute up to 20% of the educational program offered to any student in a semester or a school years.

*(2) A **Board of Education** shall approve or reject a proposal for the development of a locally developed course of study within 30 days of its receipt and shall provide reasons for any rejections and may provide recommendations with any acceptance.*

*(3) When a **Board of Education** rejects a proposal for a locally developed course of study, that decision may be appealed within 10 days of receipt of notice to the **Minister**.*

*(4) When a proposal has been accepted, a **Board of Education** may provide support for the development of the **proposed** course of study.*

*(5) A locally developed course of study may be used in an educational program **once it has been approved by the Board of Education**.*

Clarification: These steps are elaborated to show the process for developing and implementing locally developed curriculum. The process is outlined under the proposed Boards of Education.

School Councils approve the use of locally developed curriculum in their school once it has been approved by the Board of Education as an option.

Consensus: June 14, 2001

RECOMMENDATION # 63

Current Act: Section 46 School Year

Proposed Change: *All Yukon schools will have 5 hours of instruction per day and the total number of instructional days will be 190.*

**Draft Recommendations
Part 4 – School Operations**

Clarification: Department of Education, School Councils, Yukon Teachers' Association – Agree. Current wording in the Act links the length of the school day with the setting of the school year. By increasing the number of minutes per day, some schools have reduced the school year by two weeks. There is no pedagogical value in decreasing the days of instruction and increasing the summer break. With a set length of day, the community would retain flexibility in the organization of the 190 days into a unique school year. This change will provide a total benefit to students. It will help to solve some of the problems heard in communities regarding low attendance and achievement.

First Nations – Disagree. First Nations representatives do not agree that students lose information over a longer summer break and wish to keep the number of school days flexible by allowing different number of minutes in a school day. The proposed model dis-empowers communities; the prescribed number of days does not empower First Nations. The communities did not say that Yukon Territorial Government should have more control, they said communities should decide.

No Consensus: May 8, 2001

RECOMMENDATION # 64

Current Act: Section 46(6) "A School Board or Council shall specify 15 hours for non-instructional purposes for its school or schools in each school year."

Proposed Changes:

Changes to Section 46.

- *Delete 3 non-instructional days included in the current school year.*
- *Add 5 professional development days to the school year.*
- *The school year will be a total of 195 days.*
- *Five (5) of the professional development days are to be specified by the Board of Education and if not required by Board of Education may be delegated to the School Council.*
- *Yukon Teachers' Association shall determine the content of the 5 professional development days specified by the Board of Education.*

Clarification: During the public consultation, there was recognition of the value of professional development for all teachers. The public supported an increase in the number of days that are mandatory for teachers to attend professional development sessions. The number of days has been increased from 3 days to 5 days.

**Draft Recommendations
Part 4 – School Operations**

The result of this is to make the school year 190 days for students and 195 days for teachers.

The term “non-instructional” is replaced by “professional development” because the use of non-instructional days for student interviews, and staff meetings for example, does not have the support in the public. The purpose of professional development days is to focus on professional growth for educators.

Consensus: May 8, 2001

RECOMMENDATION # 65

Current Act: Section 46(6) “A School Board or Council shall specify 15 hours for non-instructional purposes for its school or schools in each school year.”

Proposed Change: *Language in the Act should allow the Minister to determine the timing and content of up to 2 of the professional development days at the request of the Yukon Teachers' Association or the Board of Education.*

Clarification: This discretion gives the Minister the central authority to identify common professional development days that permit the scheduling of territory wide initiatives.

Consensus: May 8, 2001

RECOMMENDATION # 66

Current Act: Section 46 School Year

Proposed Change: *School Councils will recommend to the Board of Education their school calendar for 4 consecutive years and submit it for Board of Education approval rather than submitting one annually. At the end of the second year of the calendar, two more years will be planned and approved.*

Clarification: This plan retains the flexibility for School Councils to set their calendars. It also reduces an onerous process by having a new calendar submitted every second year rather than annually.

Under this plan, school calendars for Whitehorse schools would continue to be coordinated.

**Draft Recommendations
Part 4 – School Operations**

Boards of Education would set the school calendar a minimum of 2 years in advance.

Consensus: May 8, 2001

RECOMMENDATION # 67

- Current Act:** Section 48 “If a student who is a resident of the Yukon is required to live away from home to receive an educational program under section 11, the Minister shall provide accommodation and may prescribe, by regulations, fees to be charged for the accommodation or may provide an allowance for the accommodation.”
- Proposed Change:** *Change Section 48 to read: “If a student who is a resident of the Yukon is required to live away from home to receive an educational program under section 11, the Minister shall **solely or may in conjunction with other partners**, provide accommodation and may prescribe, by regulations, fees to be charged for the accommodation or may provide an allowance for the accommodation.”*
- Clarification:** Inserting the new phrase adds more enabling language to support the goal of partnerships.
- Consensus:** May 8, 2001
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**Draft Recommendations
Part 5 – Yukon First Nations**

RECOMMENDATION # 68

Current Act: Section 50 Language of Instruction

Proposed Change: *Change the Section Title to “Immersion Instruction in First Nation Languages”*

Clarification: This title clarifies the topic of this section by using the common term “immersion”.

Consensus: May 31, 2001

RECOMMENDATION # 69

Current Act: Section 50(1) The Minister may authorize an educational program or part of an educational program to be provided in an aboriginal language after receiving a request to do so from a School Board, Council, school committee, Local Indian Education Authority or, where there is no Local Indian Education Authority, from a Yukon First Nation.

Proposed Change: *Change Section 50(1) to read: “The Minister may authorize an educational program or part of an educational program to be provided in a **First Nation** language after receiving a request to do so from a School Board, Council, school committee or, from a Yukon First Nation or delegated authority.”*

Clarification: Under Self-Government Agreements, the First Nation is the contact for this type of educational issue. The First Nation may make the request, or they may delegate the issue to another authority. See further clarification in the recommendation for Section 54(1) following.

Consensus: June 14, 2001

**Draft Recommendations
Part 5 – Yukon First Nations**

RECOMMENDATION # 70

Current Act:	Section 52	Aboriginal Languages
Proposed Change:	<i>Change the Title of Section to “Instruction of First Nation Languages”</i>	
Clarification:	At the request of the First Nations representatives on the Education Act Review Steering Committee, the term “aboriginal” is to be replaced by “First Nations”.	
Consensus:	May 31, 2001	

RECOMMENDATION # 71

Current Act:	Section 54 (1)	“Upon the establishment of a Central Indian Education Authority by the Council for Yukon Indians, the Minister shall consult with the Central Indian Education Authority on any matter affecting the education and language of instruction of aboriginal people. (2) The Minister and the Central Indian Education Authority may participate in joint evaluations of specific education programs, services, and activities for aboriginal people, the terms of reference for which shall be approved by the Minister and the Central Indian Education Authority. (3) The cost of any evaluation conducted in accordance with subsection (2) shall be paid by the Minister. (4) The Minister shall table in the Legislative Assembly the report and recommendations from any evaluation conducted pursuant to subsection (2) within 30 days of receipt of such report and recommendation or at the next sitting of the Legislative Assembly. (5) The Minister shall respond to the recommendations referred to in subsection (4) and shall report to the Legislative Assembly the modifications to the education and language of instruction of aboriginal people in Yukon schools which resulted from such recommendations within 6 months of receipt by the Minister of the report and recommendations. (6) The Minister may enter into an agreement with and provide grants to the Central Indian Education Authority for the performance by it of any matter pertaining to aboriginal education including the development and preservation of aboriginal languages.”
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Proposed Change:	<i>Change Section 54 with language that includes the following notions.</i> • <i>Each First Nation is the authority.</i>
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Part 5 – Yukon First Nations

- *The First Nation can delegate its authority to another body.*

Clarification:

Under a First Nation Self Government Agreement (SGA), an individual First Nation operates on a government to government basis with the Minister. The Department of Education, as a support to the Minister, should approach a First Nation directly in discussions about education. The First Nation may respond directly, or delegate the authority to work with the Department. The First nation should identify that authority. Organizations like First Nations Education Commission do not have an SGA to negotiate from with the Department of Education, therefore

leadership makes the decisions because they work collectively as an authoritative body.

The new language in Section 54 would clarify the procedures for Department of Education to approach the appropriate bodies to deal with educational issues. It would then be clear that First Nations are the recognized authority under their SGAs and can delegate to other bodies.

Consensus: May 31, 2001

RECOMMENDATION # 72

Current Act:

Section 55 "Every school administration, in consultation with the Local Indian Education Authority or, where there is no Local Indian Education Authority, the Yukon First Nation, shall include in the school program, activities relevant to the cultural, heritage, traditions, and practices of the Yukon First Nation served by the school."

Proposed Change:

*Change Section 55 to read: "Every school administration **at the request of the First Nation and** in consultation with the First Nation shall include in the school program, activities relevant to the cultural, heritage, traditions, and practices of the Yukon First Nation served by the school."*

Clarification:

The added phrase provides for the First Nation to initiate the process of inclusion of the cultural activities in the school program

Consensus: May 8, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 73

- Current Act:** Sections 58, 59, 60, 61, 62, 63 & 67 as well as other sections in Part 7 which assign decision making responsibilities to the Minister and which have a direct impact on school councils, boards and/or parents.
- Proposed Change:** *Provide wording indicating that the Board of Education should seek input/advice from the affected School Committee, Council, or First Nation.*
- Clarification:** School Councils believe that decisions affecting them and the others listed above should not be made unilaterally. Parents are seeking a method for input on decisions that affect them. The wording should be broad enough to permit flexibility in who is consulted. The goal is consultation rather than a veto of a decision.
- Under Section 58, the Board of Education would determine the attendance area, not the Minister, if the Board of Education proposal were implemented.
- Consensus:** May 8, 2001
-

RECOMMENDATION # 74

- Current Act:** Section 66 (1) "A person who is elected to a school committee or Council shall be called a member.
(2) A person who is elected to a School Board shall be called a trustee."
- Proposed Changes:** *Change Section 66(1) and (2) to read:*
*"(1) A person who is elected **or appointed** to a school committee or Council shall be called a member.*
*(2) A person who is elected **or appointed** to a School Board shall be called a trustee."*
- Clarification:** This change includes the First Nation guaranteed representatives who are appointed as well as other members who may be appointed by the Minister.
- Consensus:** May 8, 2001
-

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 75

Current Act: Section 67 (1) The Minister shall specify the number of trustees of a School Board and members of a Council.
(2) Each Council shall have no fewer than 3 members and no more than 7 members.
(3) Each School Board shall have no fewer than 5 trustees and no more than 9 trustees.

Proposed Changes:

- *Change Section 67(1) to read: "The Minister shall specify the number of trustees of a School Board and members of a Council pursuant to regulations."*
- *Delete Section 67(2) and move to regulations. The number of School Council members should be set for each school in regulations. The negotiated number of guaranteed representatives should be included in the total number of members that is set.*
- *Delete Section 67(3) and move to regulations.*

Clarification:

To clarify the number of School Council members and the number of guaranteed representatives for each school, the recommendation is to have each school negotiate with the Minister, a total number of School Council members. The number will include the negotiated number of guaranteed representatives. Currently there is confusion about whether the guaranteed representatives are part of the total number, or in addition to the total number of School Council members.

The total number will remain the same from year to year until a circumstance warrants a discussion with the Minister about adjusting the number of School Council members. It is anticipated that a fixed number of Council members will eliminate ongoing negotiation of Council size.

Consensus: May 8, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 76

Current Act:

Section 68 (1) The Minister shall negotiate guaranteed representation for aboriginal people on School Boards and Councils with each Yukon First Nation and, by agreement with each Yukon First Nation, shall, where it is agreed that there shall be guaranteed representation

(a) determine the number of representatives of aboriginal people on a School Board or Council,

(b) establish the appointment or voting process for the filling of the guaranteed positions, and

(c) define the length of time for the guaranteed representation to apply.

(2) Prior to entering into an agreement with a Yukon First Nation pursuant to subsection (1), the Minister shall consult with any School Board or Council that is affected by the guaranteed representation.

(3) Any agreement pursuant to subsection (1) that requires election of representatives shall be implemented by the calling of an election by the Minister.

(4) Where a School Board or Council is in existence and the agreement pursuant to subsection (1) requires the appointment or election of representatives, those representatives shall take office and shall be in addition to and not in substitution for trustees or members who hold office until the next general election.

Proposed Changes:

- *Change Section 68(1) to read: "The Minister shall negotiate guaranteed representation for First Nation people on School Boards and Councils with each Yukon First Nation and, by agreement with each Yukon First Nation, shall, where it is agreed that there shall be guaranteed representation, **do so pursuant to regulations.**"*
- *Delete Subsections (a)(b) and (c) from 68(1) and move to regulations.*

Clarification:

The details for negotiating guaranteed representation of First Nations on Boards and Councils is to be outlined in regulations. Regulations permit some flexibility in detailing the process and changing it to meet the needs of communities when warranted.

Consensus:

May 8, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 77

Current Act: From Section 69 **School committees changing to Council** to Section 77 **Transfer of Assets** and

Section 112 **School committees Powers and Duties**

Proposed Change: *Remove the provision for School Committees in the Act.*

Clarification: There is only one remaining School Committee in the Territory. It is included in all activities that School Councils plan and, after ten years, a complete transition to Councils would provide consistency across the territory.

Consensus: May 31, 2001

RECOMMENDATION # 78

Current Act: Section 73 “Combining Councils” title

Proposed Change: *Change title to read: “Combining Councils to form a Board”*

Clarification: The title of Section 73 “Combining Councils” has content related to combining two Councils to form a Board. Combining two Councils to form one large Council appears to be in Section 76(1). Titles need to be clarified to assist in finding the correct information.

This change is pending the outcome of the Board of Education concept contained in these recommendations.

Consensus: May 8, 2001

RECOMMENDATION # 79

Current Act: Sections 78 - 80

Proposed Change: *School Council Elections should occur in the spring, not fall.*

Clarification: It is a better time of year to have elections and bring in new members prior to the start of a new school year.

Consensus: May 9, 2001

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Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 80

Current Act: Section 78 to 111

Proposed Change: *Move to another piece of legislation.*

Clarification: The details regarding the process of election do not need to be included in the Education Act. Shortening the document and focusing on educational issues helps make the Act a better reference source for all partner groups.

Consensus: May 9, 2001

RECOMMENDATION # 81

Current Act: Section 79(2) “Members of a Council shall hold office for a term of two years.”

Proposed Change: *Change 79(2) to read: “Members of a Council shall hold office for a term of **three** years.”*

Clarification: This proposal, along with “staggered” terms will increase continuity for Councils. Two-year terms allow one year to learn the job and only one to participate fully and effectively. The increase to three years will reduce the amount of orientation time required for new members and increase the period of experienced, effective participation.

Consensus: May 8, 2001

RECOMMENDATION # 82

Current Act: Section 82 – Qualifications of Electors and Section 86 – Qualifications of Candidates.

Proposed Changes: *For Catholic School Council Elections:*

- *Catholic Episcopal Corporation of Whitehorse to approve a Candidate*
- *Catholic Episcopal Corporation of Whitehorse to define “Catholic Voters List”*
- *Regardless of Catholic Episcopal Corporation of Whitehorse Voters List, if you have a child attending the school you are eligible to vote at an election.*

Clarification: This will have the effect of allowing the Catholic Episcopal Corporation of Whitehorse to have the say about who may be a

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Part 7 – School Committee, Councils & Boards

candidate. The "Catholic Voters List" includes members of the Catholic Community who may vote for the School Councils in Catholic Schools. The proposed change also allows any parent who has a child attending the school to vote in an election whether they are on the Catholic Voters List or not.

Consensus: May 31, 2001

RECOMMENDATION # 83

Current Act: Section 113(1) and Section 177(2)

Proposed Change: *Add wording to Section 113(1) that Councils have a role to play in the evaluation of principals.*

Clarification: Section 177(2) states that a superintendent will receive input from parents through their elected representatives when evaluating a principal, but there is no provision in Section 113 that Councils shall provide the input.

Consensus: May 31, 2001

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Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 84

Current Act: Section 113(1)(a) A Council shall...“review, modify if necessary, and approve the school objectives, educational priorities, and courses of study by grades, as prepared by the school administration, and other matters required for the effective functioning of the school,”

Proposed Change: *Change (a) to read: “review, modify if necessary, and approve the school **plan**, and other matters required for the effective functioning of the school,”*

Clarification: This wording is consistent with 116(1)(b).

It is clearer to refer to the school plan as a whole instead of the individual components. The current Act refers to the components but does not identify them as parts of the school plan. This change also allows for flexibility should the components of the school plan evolve in the future because the list of components does not have to be altered in the legislation.

The school plan is developed by the school administration in consultation with the school staff, School Council and other team members as desired.

Consensus: May 9, 2001

RECOMMENDATION # 85

Current Act: Section 113(1)(b) A Council shall ... “(b) make recommendations to the superintendent for the allocation of resources within the budget approved for the school,”

Proposed Change: *Change 113(1)(b) to read: “make recommendations to the **school administration** for the allocation of resources within the budget approved for the school,”*

Clarification: This change represents current practice under site based management.

Consensus: May 9, 2001

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Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 86

- Current Act:** Section 113(1)(c) A Council shall ... “(c) participate in the selection procedures for persons to be interviewed for the position of principal and select for appointment a principal,”
- Proposed Change:** *Change 113(1)(c) to read: “participate, along with the Board of Education and school staff, in the posting and final interviews for the position of principal,”*
- Clarification:** Yukon Teachers’ Association – Agrees. There are three stages in hiring - posting, short listing and the final interviews. School Councils should provide input to the posting stage where they state what they are looking for in a staff member. School Council should be removed from short listing stage.
- School Councils & First Nations – Agree to have school staff and Department staff participate in posting but not in the interviewing. They do not agree with eliminating School Councils from the short listing exercise.
- Department of Education – Hiring is an administrative activity and belongs at the Board of Education level. School Councils should work in area of policy development and make political decisions.
- No Consensus:** May 9, 2001
-

RECOMMENDATION # 87

- Current Act:** Section 113(1)(d) A Council shall... “(d) in consultation with the superintendent, school administration, and teachers, establish a procedure for resolving disputes between schools, parents and teachers,
- Proposed Change:** *Delete Section 113(1)(d) and replace with a territorial regulation.*
- Clarification:** This is a procedure that would be more detailed and flexible in regulation.
- Consensus:** May 9, 2001
-

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Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 88

- Current Act:** Section 113(1)(e) keep a complete and accurate report of its meetings and provide a copy to the Minister within 30 days of each meeting, and,
(g) keep a complete and accurate record of financial transactions in a form prescribed by the Minister,
- Proposed Change:** *Change 113(1)(e) to read: keep a complete and accurate report of its meetings and provide a copy to the **Board of Education** within 30 days of each meeting*

*Change 113(1)(g) to read: (g) keep a complete and accurate record of financial transactions in a form prescribed by the **Board of Education**,*
- Clarification:** This change is pending acceptance of the Board of Education recommendation.
- Consensus:** June 14, 2001
-

RECOMMENDATION # 89

- Current Act:** Section 113(1)(i) A Council shall ... “(i) establish an attendance policy for students who are enrolled in its school,”
- Proposed Change:** *Delete Section 113(1)(i) and replace with a territorial regulation.*
- Clarification:** This is a policy statement where details of procedure can be outlined in regulations and can be changed if needed.
- Consensus:** May 9, 2001
-

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 90

Current Act:	Section 113 School Councils
Proposed Change:	<i>Add a new (l) which states: “ensure that documents including but not limited to the school plan, the Yukon School Improvement Plan, all school policies and procedures, and the Council meeting minutes are in the school and accessible to the school community”</i>
Clarification:	Availability of these documents will help facilitate communication among parents and community about school initiatives and progress.
Consensus:	May 9, 2001

RECOMMENDATION # 91

Current Act:	Section 113 School Councils
Proposed Change:	<i>Add a new (m) which states: “Councils may request and the Minister and/or Board of Education may approve additional roles and responsibilities”</i>
Clarification:	This change was a request from the School Council Submission to support a collaborative working relationship among the partners. As the role of School Councils evolves, the role and responsibilities may require some adjustment.
Consensus:	May 9, 2001

RECOMMENDATION # 92

Current Act:	Section 113(2) A Council may (a) propose and offer locally developed courses of study and locally approved instructional materials subject to Ministerial approval and this Act,
Proposed Change:	<i>Change (a) to read: “propose and offer locally developed or other courses of study and locally approved instructional materials subject to Board of Education approval and this Act,”</i>
Clarification:	School Councils wished to have opportunity to suggest and review a broader range of courses.
Consensus:	May 9, 2001

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RECOMMENDATION # 93

Current Act:	Section 113(2)(c) A Council may ... “(c) provide advice to the Minister respecting (i) the establishment of the school year and school day, (ii) school closures, (iii) teaching and support staff requirements, (iv) transportation services, (v) school renovations and capital budget for the school, and (vi) school programs,
Proposed Change:	<i>Change 113(2)(c) to read: “after consultation with school administration, provide advice to the Board of Education respecting”</i>
Clarification:	There is currently no onus on School Councils to seek input from school administrators and their staff. This addition formalizes what is currently the practice in most school communities.
Consensus:	May 8, 2001

RECOMMENDATION # 94

Current Act:	Section 113(2)(g) A Council may ... “(g) direct the superintendent to evaluate a teacher, principal, or other staff member and to provide a report to the Council of the evaluation, which report shall be returned to the superintendent forthwith after the Council has reviewed and considered it,”
Proposed Change:	<i>Change 113(2)(g) to read: “direct the superintendent to evaluate a teacher, principal, or other staff member and to provide a verbal report of the process and outcome, to the Council,”</i>
Clarification:	Currently evaluations are “satisfactory” or “non-satisfactory” and School Councils receive the final outcome only. The proposed components of the report to the School Council will include 1) the fact that the evaluation was completed, 2) how it was done and 3) what the outcome was. The language in the Act should clearly state that the actual evaluation document, which is part of the personnel file, is not given to School Councils. This will be in accordance with privacy and human resource procedures.
Consensus:	May 31, 2001

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RECOMMENDATION # 95

- Current Act:** Section 113(2)(h) A Council may ...
“(h) direct the principal to evaluate a teacher and to provide a report to it of the evaluation, which report shall be returned to the superintendent forthwith after the Council has reviewed and considered it,”
- Proposed Change:** Change 113(2)(h) to read: “direct the principal to evaluate a teacher and to provide a *verbal report of the process and outcome*, to the Council,”
- Clarification:** Currently evaluations are “satisfactory” or “non-satisfactory” and School Councils receive the final outcome only. The proposed components of the report to the School Council will include 1) the fact that the evaluation was completed, 2) how it was done and 3) what the outcome was. The language in the Act should clearly state that the actual evaluation document, which is part of the personnel file, is not given to School Councils. This will be in accordance with privacy and human resource procedures.
- Consensus:** May 31, 2001
-

RECOMMENDATION # 96

- Current Act:** Section 113(2)(i) A Council may ...
“(i) recommend to the superintendent the dismissal, transfer, discipline or demotion of a teacher, principal, or other employee in the school and provide reasons for the recommendation,”
- Proposed Change:** Delete Section 113(2)(i)
- Clarification:** Yukon Teachers’ Association – Agree. Due process is the issue. This section encourages a situation that circumvents Public Service Commission process. The request for evaluation sets up due process in legal labour law. This section creates the notion that School Councils are not heard because they request dismissal, it doesn’t happen, and School Councils do not understand the “due process” that led to the decision.
- Department of Education – Agree. This clause does not make a difference because the process is beyond the control of the employer and Yukon Teachers’ Association. It has the negative effect of not fulfilling expectations.

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First Nations – Agree to delete this clause if there is accountability of teachers to the community.

School Councils – Disagree. If the recommendation to form a Board of Education is not accepted, School Councils have the responsibility to look after the needs in the school including making recommendations when someone should leave.

Consensus reached pending the formation of the Board of Education model.

Consensus: May 31, 2001

RÉCOMMENDATION # 97

Current Act: Section 113

Proposed Change: *That duties of School Councils be changed to read as follows should the Board of Education model be instituted.*

School Councils

113. (1) A Council shall

- (a) review, modify if necessary, and approve the school **plan**, as prepared by school administration, and other matters required for the effective functioning of the school,*
- (b) participate in the selection of a person for appointment as **principal**,*
- (c) make recommendations to the **school administration** for the allocation of resources within the budget approved for the school,*
- (d) keep a complete and accurate report of its meetings and provide a copy to the **Board of Education** within 30 days of each meeting,*
- (e) make any necessary banking arrangements,*
- (f) keep a complete and accurate record of financial transactions in a form prescribed by the **Board of Education**,*
- (g) approve or cause to be approved all accounts payable by a Council for payment,*
- (h) establish an attendance policy for students who are enrolled in its school, pursuant to Board of Education policy, and this Act,*
- (i) participate in settling disputes pursuant to Board of Education policy,*
- (j) procure a corporate seal, and*

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(k) *prepare reports, provide information, and perform any duties as may be required under this Act.*

(l) *ensure that documents including but not limited to school plan, Yukon School Improvement Plan, all school policies and procedures, Council meeting minutes are in the school and accessible to the school community,*

(m) *Add wording that Councils have a role to play in the evaluation of principals as per section 177(2).*

(2) A Council may

(a) *propose and offer locally developed or other courses of study and locally approved instructional materials subject to the Board of Education approval and this Act,*

(b) *receive and expend funds pursuant to this Act,*

(c) *after consultation with school administration provide advice to the Board of Education respecting*

(i) *the establishment of the school year and school day, pursuant to regulations,*

(ii) *school closures,*

(iii) *teaching and support staff requirements,*

(iv) *transportation services,*

(v) *school renovations and capital budget for the school, and*

(vi) *school programs,*

(d) *establish committees and specify the powers and duties of the committees,*

(e) *establish rules and policies on any matter within its jurisdiction,*

(f) *approve the allocation and expenditure of those discretionary funds allocated to the school within its budget,*

(g) *direct the superintendent to evaluate a principal, and to provide a verbal report of the process and outcome to the Council,*

(h) *direct the principal to evaluate a teacher or other staff member and to provide a verbal report of the process and outcome to the Council*

(i) *approve curricular and extra-curricular field trips of more than one day's duration,*

(j) *approve the allocation of school days for extra-curricular activities, and*

(k) *councils may request and the Minister and/or Board of Education may approve additional roles and responsibilities,*

Consensus:

May 31, 2001

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RECOMMENDATION # 98

Current Act: Section 114 Powers of the Minister

Proposed Changes:

- *Move Section 114 to 116, and*
- *Change "Minister" to "Board of Education"*

Clarification: With the change to "Board", it is a duty for School Boards (S. 116) not the Minister.

This change assumes the existence of the Boards of Education.

Consensus: May 31, 2001

RECOMMENDATION # 99

Current Act: Section 114(2)

Proposed Changes:

- *This Section becomes 114 with the original 114(1) moving to Section 116.*
- *Change Section 114 to read: "The Minister shall ~~cause to be evaluated~~, at least once every 5 years, each of the schools operated by a Board in accordance with guidelines, standards, and procedures established by the Minister."*

Clarification: It is anticipated that the evaluation of schools will be a responsibility of the Boards but the Minister will have the responsibility of ensuring that evaluations occur on a regular basis.

Consensus: May 31, 2001

RECOMMENDATION # 100

Current Act: Section 116 School Boards

Proposed Change: *That duties of School Boards be changed to Boards of Education and read as follows should the Board of Education model be instituted.*

Board of Education

116. (1) A Board of Education shall

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- (a) select staff, including principals and teachers, for hiring, dismissal, discipline, transfer, promotion, and demotion subject to this Act and any applicable collective agreement,*
- (b) provide educational programs, including locally developed courses, for its students as required by this Act,*
- (c) establish policies for the administration, management and operation of its schools,*
- (d) maintain, repair, furnish, and keep in good order all of its real and personal property,*
- (e) provide suitable and necessary equipment and supplies for schools operated by it, including locally approved instructional materials,*
- (f) in consultation with the director, school administration, and Yukon Teachers' Association establish a procedure for resolving disputes between its schools, parents and teachers, pursuant to regulations,*
- (g) ensure that its schools are conducted in accordance with the requirements of this Act,*
- (h) keep a complete and accurate report of its meetings and provide a copy to the Minister within 30 days of each meeting,*
- (i) procure a corporate seal,*
- (j) establish a school council, where possible, for every school operated by it when it operates more than one school and make rules for the election and operation of the groups,*
- (k) prepare reports, provide information, and perform any duties as may required under this Act, its regulations and guidelines, or by the Minister,*
- (l) arrange for the examination and investigation of*
 - (i) student progress,*
 - (ii) order among and discipline of students,*
 - (iii) the system of instruction,*
 - (iv) mode of keeping school records, and*
 - (v) conditions of buildings and premises,*
- (m) keep in force any policy or policies of insurance required by the Minister or, with the approval of the Minister, participate in alternative insurance schemes that insure the amounts and against the risks prescribed by the Minister, and*
- (n) develop and maintain policies for the purchase of goods and services and for undertaking capital works.*

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- (o) receive by grant or contribution such funds as are approved by the Minister,*
- (p) make any banking arrangements necessary for the carrying out of its duties and powers,*
- (q) keep a complete and accurate record of financial transactions in a form prescribed by the Minister,*
- (r) approve or cause to be approved for payment all accounts payable by the Board of Education,*
- (s) establish satisfactory relationships between students, parents, and the community, including Yukon First Nations or their delegated authority, and*
- (t) advise the Minister respecting*
 - (i) school closures, and*
 - (ii) transportation services.*

(2) A Board of Education may

- (a) establish committees and specify powers and duties for the committees,*
- (b) purchase or rent school premises or staff residences,*
- (c) direct the director to evaluate a principal and provide a verbal report of the process and outcome to the Board of Education.*
- (d) direct a principal to evaluate a teacher or other staff member and to provide a verbal report of the process and outcome to the Board of Education,*
- (e) acquire real and personal property by way of purchase, bequest, or lease,*
- (f) provide for professional development of teachers,*
- (g) such other duties as would be done by a school council, where no such council exists for a school(s) operated by it, and*
- (h) delegate responsibility pursuant to regulations.*

Consensus: May 31, 2001

RECOMMENDATION # 101

Current Act: Section 116(1)(h) A School Board shall ...
“(h) in consultation with the director, school administration, and teachers, establish a procedure for resolving disputes between its schools, parents and teachers.”

Proposed Change: Change Section 116(1)(h) to read: “in consultation with the director, school administration, and Yukon Teachers’ Association, establish a

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procedure for resolving disputes between its schools, parents and teachers,"

Clarification: The Yukon Teachers' Association represents Educational Assistants, Native Language Instructors, Remedial Tutors in addition to teachers and administrators. The Association would represent all these employees in the establishment of procedures to resolve disputes.

Consensus: May 9, 2001

RECOMMENDATION # 102

Current Act: Section 116(1) A School Board shall...
(j) "evaluate in accordance with guidelines, standards, and procedures established by the Minister at least once every five years each of the schools operated by it and provide a copy of the evaluation to the Minister,"

Proposed Change: *Delete Section 116(1)(j)*

Clarification: This is a responsibility of the Minister and the power is already afforded to the Minister under section 114(2).

Consensus: May 31, 2001

RECOMMENDATION # 103

Current Act: Section 116(2)(d) & (e) A School Board may ...
"(d) direct the director to evaluate a teacher, principal or other staff member and provide a report to the School Board on the evaluation, which report shall be returned to the director forthwith after the School Board has reviewed and considered it,

(e) direct a principal to evaluate a teacher and provide a report to the School Board on the evaluation, which report shall be returned to the director forthwith after the School Board has reviewed and considered it,"

Proposed Changes:

- *Change 116(2)(d) to read: "(d) direct the director to evaluate a teacher, principal or other staff member and provide a **verbal** report to the School Board on the **process and outcome**,"*

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- *Change 116(2)(e) to read: “(e) direct a principal to evaluate a teacher or other staff member and provide a verbal report to the School Board on the process and outcome,”*

Clarification: This change specifies what should be included in the report to the Board.

Consensus: May 31, 2001

RECOMMENDATION # 104

Current Act: Section 117(1) “A Council may make an agreement with the Government of the Yukon for the provision and undertaking of any capital, maintenance, or other project with respect to a school in the Council's attendance area.”

Proposed Change: *Change Section 117(1) to read: “A **Board of Education** may make an agreement with the Government of the Yukon for the provision and undertaking of any capital, maintenance, or other project with respect to a school in the **Board of Education's** education area.”*

Clarification: This change is pending acceptance of the Board of Education model.

Consensus: May 31, 2001

RECOMMENDATION # 105

Current Act: Section 120(2) “A School Board shall consider any advice provided to it by any parent advisory group established by it.”

Proposed Change: *Change to read “A **Board of Education** shall consider any advice provided to it by any **Council or committee** established by it, or by a **Yukon First Nation** or its delegated authority whenever it pertains to local aboriginal education programming.”*

Clarification: The notion is that the Board shall consider input/advice from all the groups mentioned when it is offered. However, the Board should not be expected to initiate consultation with a list of groups prior to each decision it makes.

Consensus: May 31, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 106

Current Act: Section 121 School Boards and Councils may form and become members of an association of School Boards and Councils and may make grants or payments to the association.

Proposed Changes: *Change to incorporate the following notions.*

- *Keep the language that permits Boards or Councils to form and/or belong to Associations.*
- *Keep the language that permits Boards or Councils to make grants or payments to the Association.*
- *Add the notion that, when an Association is formed, the Minister shall provide support.*

Clarification: This change specifies that the Minister shall provide support for an Association of School Councils and/or Boards.

Consensus: May 9, 2001

RECOMMENDATION # 107

Current Act: Section 124(4)(d) Duties of Director
“(d) establishment of satisfactory relationships between students, parents, and the community,”

Proposed Changes:

- *Change to read: “(d) establishment of satisfactory relationships among students, parents, and the community, **including Yukon First Nation(s).**”*
- *Delete Section 124(4)(d) and move wording to a new 116(1)(u)*

Clarification: First Nation governments did not exist when the Education Act was drafted and they should now be included.

It should be the duty of the entire Board, not the individual Director, to establish satisfactory relationships with other government bodies and organizations.

Consensus: May 31, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

Note:

There are two changes proposed for Section 124(4)(d). Recommendation #107 is a change that is recommended in the current text of the Education Act. Recommendation #108 is a more comprehensive change that assumes the existence of the proposed Three-Board Governance Model.

RECOMMENDATION # 108

Current Act: Section 124 - Director

Proposed Changes:

- *Change title of Section 124 from “Director” to “Superintendent”*
- *Change “Director” to “Superintendent” throughout the Act.*
- *Change Section 124(1) to read: “Each **Board of Education** shall select for appointment a **superintendent** of education who shall be the chief executive officer for the **Board of Education**. **The Board of Education** shall establish terms and conditions of employment for the **superintendent**.”*
- *Change Section 124(2) to Read: “A **superintendent** shall be an employee of the **Board of Education**.”*
- *Change Section 124(3) to Read: “A **superintendent** shall possess a valid and subsisting teaching certificate issued in accordance with the regulations.”*
- *Delete Section 124(4) and replace with Duties of Superintendent as outlined:
“Duties of Superintendent”
“The duties to be performed by the Superintendent shall be prescribed by the Board of Education and shall include the following:*
 - (a) providing leadership in all matters relating to education in the district or division,*
 - (b) providing professional services consistent with the highest quality education,*
 - (c) supervising and evaluating schools, principals, teachers, and other staff within the jurisdiction of the Council,*
 - (d) ensuring that the school or schools operated by the Board of Education are conducted in accordance with the requirements of this Act,*

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Part 7 – School Committee, Councils & Boards

- (e) *reporting any non-compliance with this Act to the Board of Education, and*
- (f) *performing other such duties as may be assigned by the Board of Education in accordance with this Act.*

Clarification: The current Education Act allows for Directors who are the chief executive officers for School Boards. This recommendation assumes the acceptance of the recommendation to establish up to three Boards of Education. The specific changes include a replacement of the title "Director" to "Superintendent" and the duties of the Superintendent, under the Board of Education, are specified.

Consensus: June 14, 2001

RECOMMENDATION # 109

Current Act: Section 126(1) "Every Council and every school committee shall have assigned to it by the Minister a superintendent of schools who shall perform the duties of a director for the schools in the attendance area of the Council or of the school committee.
And,
(2) Any reference in this Act to a director shall be deemed to include a reference to a superintendent of schools."

Proposed Changes:

- *Change 126(1) to read: "Every Council and every school committee shall have assigned to it by the **Board of Education** a superintendent of schools.*
- *Delete Section 126(2)*

Clarification: This change is pending the acceptance of the Board of Education model.

Consensus: June 14, 2001

RECOMMENDATION # 110

Current Act: Section 131 "The Archives Act applies to records of a School Board and Council in the same way as that Act would apply if the School Board or Council were a department of the Government of the Yukon."

Proposed Change: *Change to read: "The Archives Act applies to records of a School Board and Council in the same way as that Act would apply if the*

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School Board, Committee, or Council were a department of the Government of the Yukon.

Clarification: Records of school committees also need to be protected under the Archives Act.

Consensus: May 9, 2001

RECOMMENDATION # 111

Current Act: Sections 132 to 155

Proposed Change: *Move Sections 132 to and including 155 to Regulations*

Clarification: This information about procedures for meetings and the operations of School Committees, Councils and Boards is too detailed for the Act. The removal of this information to regulations shortens the Education Act and makes its focus the educational issues that the general public is examining.

Consensus: May 9, 2001

RECOMMENDATION # 112

Current Act: Section 148(1) “An annual meeting of the electors of an education area or attendance area shall be held by each School Board, Council, and school committee during the month of September in each year.”

Proposed Change: *Change 148(1) to read “An annual meeting of the electors of an education area or attendance area shall be held by each School Board, Council, and school committee **between May 1 and September 30 of the same year.**”*

Clarification: This period of time allows flexibility for each Council to have a spring or fall Annual General Meeting (AGM). When a new Council is elected in October, it is difficult for the sitting Council to have an AGM then hand over business to new people who were not necessarily involved with Council.

Consensus: May 9, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 113

Current Act: Section 151 Conflict of Interest

Proposed Changes:

- *Change language to be less restrictive on short-term workers' eligibility to hold a seat on School Council.*
- *Change to require a declaration of conflict of interest on any issue where the person may have a "vested interest."*

Clarification: It is sometimes difficult for communities to fill the slate of School Council members. The intent is to avoid having an interested person disqualified because of a short work period in a school. The onus should be on the person to declare conflict of interest if the situation arises.

Consensus: May 31, 2001

RECOMMENDATION # 114

Current Act:

Proposed Change: *The proposed Elections legislation should provide for staggered terms for members of each School Council.*

Clarification:

Please refer to page 122 of this document for the recommendation related to new Elections legislation.

Staggered terms means that one half of the School Council will be elected each year. Staggered terms will prevent the election of a complete new council with no member to act as a link to previous activities of council.

Elections will be held each year under the staggered term scenario. It is intended that the 1st set of elections under this will see 1 year, 2 year and 3 year terms, and after that all terms will be for 3 years.

Consensus: May 9, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 115

Current Act:

Proposed Change: *Wording is requested in the Education Act to permit a Board to revert to a Council and the Council to become a Committee at their request.*

Clarification: Should a group determine that they do not have the capacity to maintain the responsibility under their current organizational level, they should be able to step back one level.

Pending outcome of Board of Education concept.

Consensus: May 31, 2001

RECOMMENDATION # 116

Current Act:

Proposed Changes:

- *Include a requirement in the Education Act that School Councils, Boards and Committees must develop procedures for managing their records.*

Clarification: These bodies sometimes have access to confidential records during suspension hearings, for example. The intent is to comply with the spirit of the Access to Information and Protection of Privacy Act (ATIPP) to protect the privacy of the public. One way to do this may be to consider the definition of a “public body” in ATIPP in relation to School Committees, Councils and Boards.

School Boards, Councils and Committees do not currently have any obligation to manage their records in a standard manner other than routing records to Archives as the final location. There needs to be a mechanism for the consistent coding, scheduling, destroying and management of records, including a process during a change in government.

Consensus: May 9, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 117

Current Act:

Proposed Change: *Remove Division 2 Part 7 Elections from the Education Act and incorporate the information in a new act with accompanying regulations.*

Clarification: This Division contains too much procedural detail to remain in the Education Act. Control of the election process needs to rest with the people that are responsible for conducting the election, that is, the Chief Electoral Officer and his/her department.

Consensus: May 9, 2001

RECOMMENDATION # 118

Current Act:

Proposed Change: *Include a comprehensive index to the Education Act.*

Clarification: The current Act is organized by topic and sections are content-specific. This results in Duties of the Minister, for example, being listed in several parts of the Act. An index would facilitate a thorough review of related sections that may not be written in the same portion of the Act.

Consensus: May 9, 2001

Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 119

Current Act:

Proposed Change: *Enable School Councils to join other bodies in the community to form a joint education council.*

Clarification: In many rural communities there is a “capacity” problem - a few people play multiple roles in the community. To streamline the process and help prevent “burn-out” for the active community members, a concept of a community education council is recommended. The education council could embody the concept of life-long learning by dealing with issues from day care to Elders in the schools. Facilities and resources currently provided for the College campus, the library board, and the school council for example could share space, people and ideas. Language should be included in the Education Act to enable the implementation of this notion.

Consensus: May 31, 2001

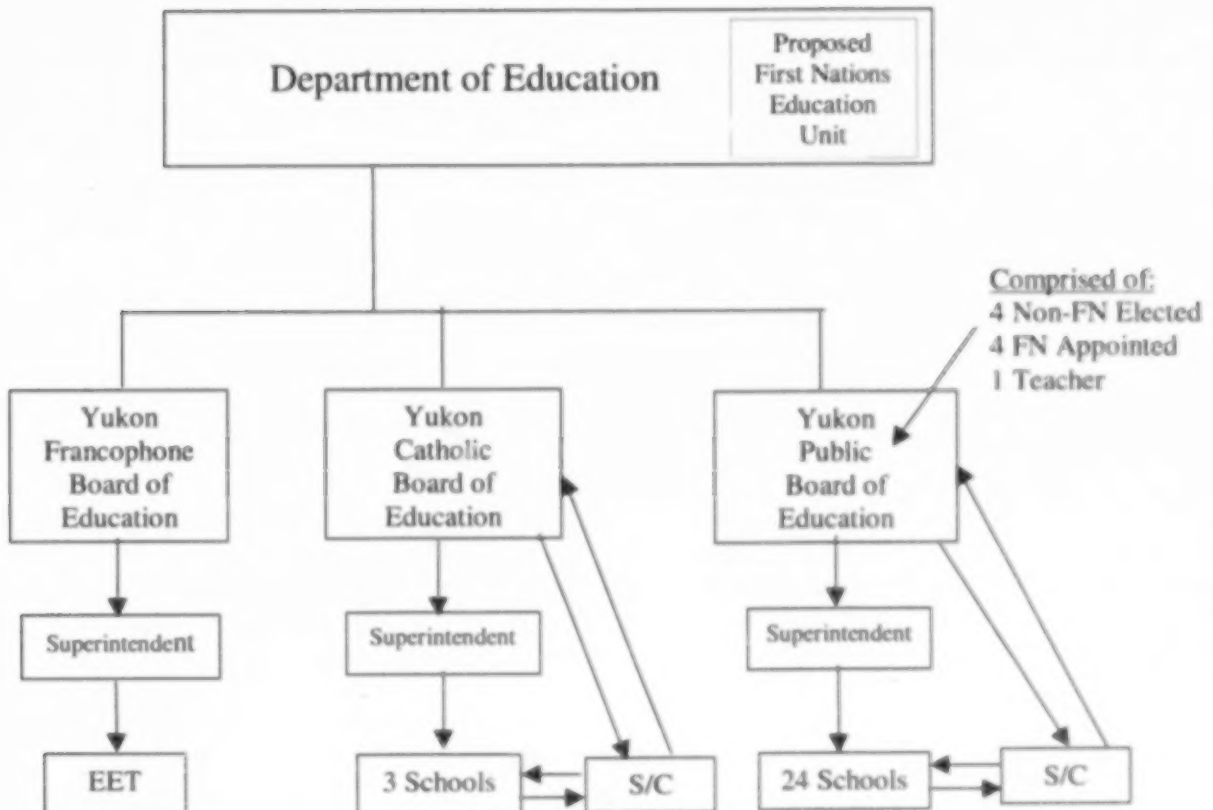
Draft Recommendations
Part 7 – School Committee, Councils & Boards

RECOMMENDATION # 120

Current Act: The Education Act allows for a school board in each community and several in Whitehorse. The establishment of a school board is currently optional and a School Council or a community group must initiate the process (reference Section 72).

Proposed Change: *Include language in the Education Act that mandates up to three Boards of Education as governance structures.*

Specifically: **Yukon Francophone Board of Education**
Yukon Catholic (Separate) Board of Education
Yukon Public Board of Education



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Part 7 – School Committee, Councils & Boards

Clarification:

The Education Act was passed in 1990 and has provided direction to educators and the public for twelve years. One of the key themes of the Act, and a dominating principle during its development, is the notion that public participation in the educational endeavor is important. This is at the core of the title "Partners in Education". The Act was premised on the idea that school governance would move quite rapidly from school committees (the existing model in 1989) through school councils to school boards. Much of the tone and tenor of the Education Act is based on the concept of a school board governance model. However, after twelve years we only have one small board in existence, but an Act that was designed to operate as if the system was operating under a board structure. This creates a serious "disconnect" in the delivery of service in the public school system.

Public Schools have a "huge footprint" on the daily lives of Yukon people. The school comes into contact with more people daily than any other department. It is the largest employer in most communities and the single largest employer in the territory. About half of all Yukoners are touched daily (when school is in session) by the public school system. The budget is larger than the City of Whitehorse, for a branch that is the most decentralized in government.

The current governance model does not adequately provide for a true partnership with all the people that are touched by this very large entity. The public perception is that the department does not work for the public, but for the Minister. The public cannot speak in the Legislature about important educational issues. The Board of Education would provide that forum.

Parents have felt powerless in the current governance model. The school council structure has not provided an adequate level of involvement for them in shaping the kind of school they want for their children. They want a "real role" in the decision-making process. They are aggressively angry with the Department of Education and this takes form in demands for "more power" by some council members. Others show their frustration by simply choosing not to run for positions on school councils. This is in stark contrast to the thirty-two individuals seeking election to City Council.

First Nation people are also very frustrated, but for somewhat different reasons. Their children are enjoying far fewer successful experiences in school than non-First Nation students. First Nation parents are not satisfied with the curriculum, and are demanding an ability to influence "the education agenda" for their children. They want

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Part 7 – School Committee, Councils & Boards

"guarantees" that their kids will do better and they want some power to make sure that this happens.

The partnership that arose in the development of the Education Act, and that was envisaged in its creation, has not survived its implementation. The vehicles that were expected to bring expression to peoples desire to participate in the education of their children did not materialize. The concept of a school board in every community, and several in Whitehorse has failed to meet the test of public interest. The essential partnership among parents, students, and educators remains unresolved.

A new governance model for public schools in the Yukon is needed.

Consensus: May 31, 2001

Note: If the Three-Board Governance Model is adopted, then Section 125 would need to be deleted as it would be inappropriate for a principal to also be Superintendent of one of these much larger Boards.

**Draft Recommendations
Part 8 - Appeals**

RECOMMENDATION # 121

Current Act:	Section 157(4) "The Minister shall include in the appointments made pursuant to this section a member nominated by the Central Indian Education Authority or, if the Central Indian Education Authority has not been established, by the Council for Yukon Indians."
Proposed Change:	<i>Change 157(4) to read: "The Minister shall include in the appointments made pursuant to this section three members nominated by the First Nation(s) or delegated authority."</i>
Clarification:	This change from one to three members more accurately reflects the proportions of the general population.
Consensus:	May 9, 2001

RECOMMENDATION # 122

Current Act:	Section 158(1) "An appeal referred to the Education Appeal Tribunal shall be heard by the chair and two or more members chosen by the chair."
Proposed Change:	<i>At least one member of the Tribunal hearing an appeal must be a First Nation nominee.</i>
Clarification:	This ensures First Nation involvement and their perspective will be part of the appeal process.
Consensus:	May 9, 2001

**Draft Recommendations
Part 9 - Teachers**

RECOMMENDATION # 123

Current Act:

Proposed Change: *Add Section 167(1.1) of the Public Service Act, which reads:*
"No employee shall solicit funds for a political party or candidate for election if:
(a) The employee uses his or her position in the public service to influence any person to contribute funds to a political party or candidate for election;
(b) The employee would be unable to retain impartiality in relate to the performance of his or her public service duties and responsibilities;
(c) The solicitation of funds by the employee would undermine his or her ability to properly discharge his or her responsibilities or the public's trust in the public service would be undermined."

Clarification: Adding this information to the Education Act would ensure parity with employees employed under the Public Service Act.

Consensus: May 9, 2001

RECOMMENDATION # 124

Current Act: Section 168 Duties of teachers

Proposed Change: *Add new sub-section that reads: "treat all students and parents with dignity and respect."*

Clarification: Everyone in our schools should treat others appropriately. This recommendation directs the adults to model appropriate behaviors.

Consensus: May 31, 2001

RECOMMENDATION # 125

Current Act: Section 168(k) "upon the direction of the director or superintendent, and with the approval of the teacher, co-operate with student teachers and their instructors in the classroom for the purpose of observing and practice teaching, and render assistance to the student teachers and submit reports on the teaching ability of the student teachers,"

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Part 9 - Teachers

- Proposed Change:** *Change 168(k) to read: "upon the **request** of the director or superintendent, **a teacher is expected to co-operate with student teachers and their instructors unless exceptional circumstances exist,**"*
- Clarification:** Teachers can be required by the employer to take a student teacher into the classroom and participate in that individual's training to become a teacher.
- Consensus:** May 31, 2001
-

RECOMMENDATION # 126

- Current Act:** Section 168 Duties of Teachers
- Proposed Change:** *Include in the Duties of Teachers – "**participate as a member of the Individualized Education Plan team in the development and implementation of the Individualized Education Plan**".*
- Clarification:** Teachers are an integral part of the planning and delivery of the programs to special needs students and they must be a part of the Individualized Education Program team. These notions are generally subsumed in this section, but specific statements are recommended for emphasis and clarification.
- Consensus:** May 31, 2001
-

RECOMMENDATION # 127

- Current Act:** Section 169 (b) A principal of a school shall "promote satisfactory relationships with parents and the community served by the school,"
- Proposed Change:** *Change 169(b) to read: "**promote satisfactory relationships with parents, school councils and the community served by the school,**"*
- Clarification:** Schools operate according to a school plan that is developed and implemented by the School Council and the principal. It is important that the School Council and the principal work together effectively to help create the desired school culture.
- Consensus:** May 9, 2001
-

**Draft Recommendations
Part 9 - Teachers**

RECOMMENDATION # 128

Current Act:	Section 169	Duties of Principal
Proposed Change:	<i>Add the duty – “be responsible for establishing the Individualized Education Plan team”</i>	
Clarification:	The development of an Individualized Education Plan (IEP) for a special needs student is deemed to be important enough to charge the principal with the responsibility of establishing the Individualized Education Plan team. The notion is generally subsumed in this section and in sections 15-17 but specific statements are recommended for emphasis and clarification.	
Consensus:	May 31, 2001	

RECOMMENDATION # 129

Current Act:	Section 173(1)	“A teacher employed pursuant to this Act is on probation for two years from the date of commencement of employment.”
Proposed Change:	<i>Include the ability to extend the probationary period in exceptional circumstances to 3 years with the agreement of the Yukon Teachers' Association.</i>	
Clarification:	This recommendation permits the extension of the probationary period rather than limiting the options to “passing” or “not passing” after two years. The increased flexibility in timelines allows for continued growth of those new teachers that require the time.	
Consensus:	May 31, 2001	

RECOMMENDATION # 130

Current Act:	Section 177	Evaluation of principals and teachers
Proposed Change:	<i>Include two forms of evaluation for teachers and principals.</i>	
	<i>1. Formative – ongoing as organized by principal and staff to increase professional growth. The evaluation would be flexible and could be done through professional development activities or individual plans.</i>	

Draft Recommendations
Part 9 - Teachers

2. *Summative – performance issues are evaluated through the management system. This process is triggered by the School Council or administrator for a teacher and by the superintendent for a principal. The trigger occurs when performance difficulties are identified.*

Clarification: Currently summative evaluations are completed once every three years for each teacher. It is inconsistent to have summative evaluations on a cyclical schedule when the trigger for the evaluation is an identified difficulty. These cyclical evaluations take a lot of time and there should be a positive outcome for the teacher and the system after the time is invested. However there is no growth component included for the teacher. Formative evaluations support continued growth and development of teachers on an ongoing basis. This process is a benefit to the system when the result is improved classroom practice. Both types of evaluations are necessary in the system.

Consensus: May 9, 2001

RECOMMENDATION # 131

Current Act: Section 179 (1) A superintendent may transfer a teacher from one school to another school if

- (a) either the teacher or superintendent requests a transfer,
- (b) the school that the teacher is transferred to or from is not operated by a School Board,
- (c) the notice of transfer is in writing and is received by the teacher before June 1,
- (d) the teacher has the option of resigning within 30 days of receipt of the notice of transfer, and
- (e) the teacher is provided with an opportunity to appeal the transfer to the deputy minister.

(2) Where a School Board operates more than one school, the director for the School Board may transfer a teacher from one school operated by the School Board to another school operated by the School Board provided that

- (a) either the teacher or director requests a transfer,
- (b) the notice of transfer is in writing and is received by the teacher before June 1,
- (c) the teacher has the option of resigning within 30 days of receipt of the notice of transfer, and
- (d) the teacher is provided with an opportunity to appeal the transfer to the School Board.

(3) A teacher who has been transferred has a right to present a grievance to a grievance resolution person pursuant to subsection 254(3).

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Part 9 - Teachers

(4) Subject to this section and any terms of a collective agreement negotiated pursuant to this Act, the superintendent and School Board may establish policies and procedures for teacher transfers.

Proposed Change: *Delete Reference to June 1 in 179(1)(c) and 179(2)(b) and replace with the notion of "one month's notice"*

Clarification: This change will allow for the transfer of teachers during the school year in the unusual situations where this is required.

Consensus: May 9, 2001

RECOMMENDATION # 132

Current Act: Section 182(1) "A teacher shall be granted a leave of absence without pay by the superintendent or School Board to seek a nomination as a candidate and to be a candidate for election as a member of the House of Commons or the Legislative Assembly."

Proposed Changes: *Clarification of language is needed.*

- *An **employee** must take leave without pay in order to be a candidate post writ and post nomination and leave without pay must be granted.*
- *Include First Nations Government in the following eligible offices:
Chief
Grand Chief of Council of Yukon First Nations
Chief – Assembly of First Nations, and
Other national positions as identified by First Nation Governments*

Clarification: It is not appropriate for teachers to teach and campaign in the educational environment. They must request leave as soon as the writ is dropped or as soon as they declare their candidacy and it shall be granted. First Nations governments must be treated in the same way as non-First Nations governments in this respect.

Consensus: May 31, 2001

Draft Recommendations
Part 9 - Teachers

RECOMMENDATION # 133

Current Act: Section 182(5) "A teacher who is elected as a member of the House of Commons or the Legislative Assembly shall be granted a leave of absence without pay by the superintendent or School Board as a teacher from the date of election for one term of office."

Proposed Changes:

- *Change Section 182(5) to read: "An **employee** who is elected as a member of the House of Commons or the Legislative Assembly shall be granted a leave of absence without pay by the superintendent or School Board as a teacher from the date of election for **five years**."*
- *Also add: wording to include First Nation Government in the following eligible offices:*
 - Chief*
 - Grand Chief of Council of Yukon First Nations*
 - Chief of the National Assembly, and*
 - Other national positions as identified by First Nation Governments*

Clarification: The intent was to have a person serve a normal term in the local Legislative Assembly or House of Commons and not lose "leave without pay" after serving a short term following a by-election.

Consensus: May 31, 2001

RECOMMENDATION # 134

Current Act: Section 185(2) "A teacher or principal may not resign in the 90 days before the beginning of a school year or during the first 30 days of a school year unless, due to exceptional circumstances, the superintendent or School Board agrees to accept the resignation."

Proposed Change: *Change the resignation date to 120 days before the beginning of a school year.*

Clarification: Currently teachers can seek other positions and hold their current job until June 1st. That date is beyond many of the recruiting dates in outside jurisdictions so Yukon is routinely late in recruiting and hiring. The earlier deadline would provide more time to recruit well-qualified replacement teachers.

Consensus: May 31, 2001

**Draft Recommendations
Part 9 - Teachers**

RECOMMENDATION # 135

- Current Act:** Section 190(5) "Within 14 days of the suspension, the School Board or deputy minister shall
- (a) reinstate the teacher or principal,
 - (b) reprimand the teacher or principal,
 - (c) terminate the contract of employment of the teacher or principal,
 - (d) where a teacher or principal has been suspended pursuant to paragraph 189(1)(d), confirm the suspension, or
 - (e) take other appropriate action."
- Proposed Change:** *Change 190(5) to read: "Within 14 days of the suspension, the School Board or deputy minister shall*
- (a) confirm the suspension,*
 - (b) alter the duration of the suspension,*
 - (c) revoke the suspension,*
 - (d) reprimand the teacher or principal, or*
 - (e) terminate the employment of the teacher or principal.*
- Clarification:** The proposed wording provides clarification of the options available to the Deputy Minister when a teacher or principal is suspended.
- Consensus:** May 31, 2001
-

RECOMMENDATION # 136

- Current Act:** Section 192(1) "Where a teacher or principal has been suspended pursuant to paragraph 189(1)(d) and is acquitted of the charge, the superintendent or School Board shall reinstate the teacher or principal after the expiry of the appeal period or the expiry of the period for appeal from the last court from which the appeal from the acquittal is taken and in which the teacher or principal is acquitted, whichever is the later."
- Proposed Change:** *Change 192(1) to read: "Where a teacher or principal has been suspended pursuant to paragraph 189(1)(d) and is acquitted of the charge, the superintendent or School Board **may** reinstate the teacher or principal after the expiry of the appeal period or the expiry of the period for appeal from the last court from which the appeal from the acquittal is taken and in which the teacher or principal is acquitted, whichever is the later."*
- Clarification:** Department of Education and School Councils – Agree. The current language prevents discretion in circumstances where it is believed discretion is most needed. The current "hard and fast" rules have proven to be problematic for both the employer and the Yukon

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Part 9 - Teachers

Teachers' Association. Each case under Sections 191/192 is different and may require a different response from the employer. Criminal law is based on the notion that guilt must be proven "beyond a reasonable doubt" in recognition of the potential severity of the penalties associated with guilt. Labour law is based on the notion that guilt must be proven with "reasonable probability" in recognition of the more limited severity of the penalties available to the employer in the event of guilt. In such cases, the employer, parents and the professional association may still wish to be able to discipline the teacher or administrator for the inappropriate conduct that led to the charge.

Yukon Teachers' Association – Disagree. This Section of the Education Act deals with the criminal code; other methods exist for dealing with a labour dispute. Once "discretion" is supported it means the employer can make the decision to discipline even if the person is found "not guilty".

No Consensus: May 9, 2001

RECOMMENDATION # 137

Current Act:

Proposed Changes:

- *Vice-Principal – Part 9. Add "The Board of Education responsible for a school may request the superintendent to employ a teacher as a Vice-Principal of that school."*
- *Add: Duties of Vice Principal*
- *"A Vice-Principal shall*
 - a) act as principal in his/her absence,*
 - b) perform the duties delegated by the principal."*
- *Add: The school council shall be consulted in the selection of the Vice-Principal by being involved in development of the profile and posting of the position to reflect the needs of their school.*

Clarification: Under the current Act, there is no apparent formal status for the position of Vice Principal. This change clarifies the existence of the position and the related duties.

Consensus: May 31, 2001

**Draft Recommendations
Part 9 - Teachers**

RECOMMENDATION # 138

Current Act:

Proposed Change: *Provide tenure for Vice Principals*

Clarification: Department of Education – Disagree - The Department of Education views the position of Vice Principal as a training opportunity to eventually assume the role of principal in a school. They do not view the Vice Principal position as a career position.

Yukon Teachers' Association – Agree - Some people decide that Vice Principal is the position they want permanently and do not want to be promoted to the role of Principal. Therefore tenure at the Vice Principal level is desired.

First Nations – Agree - First Nations have expressed the hope that First Nations teachers will take advantage of opportunities to be Vice Principals so they may gain the knowledge and experience to move into Principal positions.

School Councils – Agree - School Councils agree that Vice Principals should have tenure but they do not have specific suggestions for the shape it should take.

No Consensus: May 9, 2001

RECOMMENDATION # 139

Current Act: Tenure for Principals

Proposed Change: *If a principal successfully completes his/her probationary period, they should receive a permanent position and be treated in the same manner as teachers.*

Clarification: Under the current Education Act, principals are limited to the negotiation of a two or three year term after successfully completing a two-year probation period. The proposed change is based on the notion that principals should be treated in the same way as other employees. Once they successfully complete their probationary period they should enjoy the same security as other employees.

Consensus: May 9, 2001

Draft Recommendations

Part 9 - Teachers

RECOMMENDATION # 140

Current Act:	Part 9 - Sections 170 to and including 194 & all of Part 10
Proposed Change:	<i>Move Part 9, Sections 170 to and including 194 and all of Part 10 into new legislation.</i>
Clarification:	Labour relations is a relatively narrow field of interest and having those issues in a separate piece of legislation is consistent with other jurisdictions. The Education Act would then become a source of information for people who are interested in education issues.
Consensus:	May 9, 2001

**Draft Recommendations
Part 10 – Teachers Staff Relations**

RECOMMENDATION # 141

Current Act:	Section 195 – Definition of Employee
Proposed Change:	<i>Change Definition of Employee to:</i> <i>“Employee” – means a person who is employed or appointed under Section 171 of this Act but does not include:</i> <i>a) a person to whom the Public Service Act applies,</i> <i>b) a person employed in a managerial capacity,</i>
Clarification:	This change to the definition of “employee” allows temporary teachers and substitute teachers to be treated as employees.
Consensus:	May 31, 2001

RECOMMENDATION # 142

Current Act:	Division 7 – Strikes
Proposed Change:	<i>Remove the right for Yukon Teachers’ Association members to strike.</i>
Clarification:	School Councils – Agree. In an industrial or public service strike, the people affected can go to another place of service. In this case students suffer and cannot go to another place for an education. A strike could mean the difference between graduating and not graduating if a strike is protracted. Yukon Teachers’ Association – Disagree. The current wording in the Act should remain as part of the balance in any employee/employer relationship. Department of Education – The Department felt it would be inappropriate to take a position on this issue. First Nations – No position.
No Consensus:	May 9, 2001

Draft Recommendations
Part 10 – Teachers Staff Relations

RECOMMENDATION # 143

Current Act:	Section 285 (1) "A decision, determination, order, direction, declaration, ruling or award of the board (a) if sent by registered mail to a person, the bargaining agent, the employer or a School Board addressed to it at its last known address, shall be deemed to have been released on the second day after the day on which it is so mailed, and (b) if delivered to a person, bargaining agent, the employer or a School Board at its last known address, shall be deemed to have been released on the day next following the day on which it was so delivered."
Proposed Change:	<i>Change 285(1)(a & b) to read: "A decision, determination, order, direction, declaration, ruling or award of the board (a) if sent by registered mail to a person, the bargaining agent, the employer or a School Board addressed to it at its last known address, shall be deemed to have been received on the second day after the day on which it is so mailed, and (b) if delivered to a person, bargaining agent, the employer or a School Board at its last known address, shall be deemed to have been received on the day next following the day on which it was so delivered."</i>
Clarification:	The Committee believes that this may be a typographical error and have asked for the language to be verified.
Consensus:	May 9, 2001

RECOMMENDATION # 144

Current Act:	Section 285(1) A decision, determination, order, direction, declaration, ruling or award of the board (a) if sent by registered mail to a person, the bargaining agent, the employer or a School Board addressed to it at its last known address, shall be deemed to have been released on the second day after the day on which it is so mailed, and (b) if delivered to a person, bargaining agent, the employer or a School Board at its last known address, shall be deemed to have been released on the day next following the day on which it was so delivered. (2) Proof by a person, the bargaining agent, the employer or a School Board of failure to receive a determination, order, direction, ruling or award or a notice or report sent in the manner described in paragraph (1)(a) is a defence by such person, bargaining agent, the employer or a School Board to an application for consent to institute a prosecution.
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Draft Recommendations
Part 10 – Teachers Staff Relations

(3) Reasonable efforts shall be made to locate and notify the employee of the decision, determination, order, direction, declaration or award of the board.

Proposed Change: *Change Section 285(1)(a) to read: "A decision, determination, order, direction, declaration, ruling or award of the board (a) if sent by registered mail to a person, the bargaining agent, the employer or a School Board addressed to it at its last known address, shall be deemed to have been released on the **fourth** day after the day on which it is so mailed, and"*

Clarification: The change from 2 days to 4 days provides a more reasonable period of time for mail to be delivered to the teacher.

Consensus: May 9, 2001

RECOMMENDATION # 145

Current Act:

Proposed Change: *Create a separate bargaining unit for principals and other supervisory positions.*

Clarification: Yukon Teachers' Association - Disagree. Principals are teachers first and many principals spend part of their day teaching. Unless they have protection as union members and have a strong association to support them, principals do not have protection from the employer.

Department of Education – Disagree. Principals and Vice-Principals are certified teachers and they have teaching assignments. Yukon is too small an environment for separate bargaining units.

School Councils – Agree. It is a conflict for management and non-management to be part of the same bargaining unit. Principals manage the schools and teachers are employees who report directly to the Principals.

First Nations – No position.

No Consensus: May 9, 2001

Draft Recommendations
Part 11 - Finance

RECOMMENDATION # 146

Current Act: Section 295(2) The annual operations and maintenance budget shall include budget items for
(a) administration,
(b) regular instruction,
(c) special instruction,
(d) plant operation and maintenance,
(e) special advisory services,
(f) tuition and other costs for resident students attending an educational program outside the education area of the School Board, and
(g) any other required expenditure.

Proposed Change: *Include "cultural instruction" in the list.*

Clarification: First Nations – Agree. First Nations want "cultural instruction" mentioned specifically to highlight this activity in the budget process.

Department of Education, School Councils, Yukon Teachers' Association – Disagree. The notion of "cultural instruction" is subsumed under the general language of this Section. Financial sections of the Education Act do not include specific information about the type of instruction. The main idea for this change is included in the proposed new Section 4(g) in the Goals and Objectives part of this Act.

No Consensus: May 31, 2001

RECOMMENDATION # 147

Current Act: Section 298 "A School Board may retain from year to year any budgetary surplus from its operations."

Proposed Change: *Change Section 298 to Read: "A School, School Council or School Board may retain any site-based budgetary surpluses pursuant to regulations."*

Clarification: This change allows School Councils to also retain their budget surpluses from fiscal year to fiscal year. This change allows Councils to budget and plan according to the school year rather than the fiscal year.

Consensus: May 31, 2001

**Draft Recommendations
Part 11 - Finance**

RECOMMENDATION # 148

- Current Act:** Section 301 "The Financial Administration Act does not apply to School Boards established under this Act."
- Proposed Change:** *Change Section 301 to Read: "**The Financial Administration Act does not apply to School Boards, Schools or School Councils, for the purpose of site-based surpluses established under section 298.**"*
- Clarification:** The goal is to give School Boards and School Councils the ability to protect "site-based" funds from lapsing at the end of the fiscal year. This change is needed for two reasons: a) the fiscal year and the school year do not match, and b) the current process discourages good management of financial resources because the money is spent by the deadline to avoid losing it.
- Consensus:** May 31, 2001
-

RECOMMENDATION # 149

- Current Act:** Section 304 The Minister shall consider the recommendations of each Council in the preparation of the annual operations and maintenance budget for a school that is located within the attendance area of the Council.
- Proposed Change:** *Change Section 304 to read: The **Board of Education** shall consider the recommendations of each Council **under its jurisdiction** in the preparation of the annual operations and maintenance budget for a school that is located within the attendance area of the Council.*
- Clarification:**
- Consensus:** June 14, 2001
-

**Draft Recommendations
Part 12 - General**

RECOMMENDATION # 150

- Current Act:** Section 306 The Commissioner in Executive Council may make regulations (q) "prescribing the term of appointment for principals,"
- Proposed Change:** *Delete Section 306(q)*
- Clarification:** This Section will no longer be required if the recommendation is accepted and principals receive a permanent position following successful completion of their probationary period.
- Consensus:** May 31, 2001
-

RECOMMENDATION # 151

- Current Act:** Section 317 "The Commissioner in Executive Council shall appoint a Teacher Certification Board for such term as specified composed of
(a) two persons nominated by the teachers' association,
(b) two persons nominated by the department,
(c) one person nominated by the School Boards and Councils,
(d) one person nominated by the Central Indian Education Authority, and
(e) one person nominated by the Yukon College who is a professional educator."
- Proposed Change:** *Change Section 317 to read: "The Commissioner in Executive Council shall appoint a Teacher Certification Board for such term as specified composed of
(a) two persons nominated by the teachers' association,
(b) two persons nominated by the department,
(c) two persons nominated by the **Boards of Education**,
(d) two persons nominated by the **Yukon First Nations or their delegated Authority**.*
- Clarification:** This is an advisory board to the Minister and two seats of six are representative of the Yukon First Nation population. The Committee has recommended that Boards of Education become a new governance vehicles and, if that concept were accepted, the Boards of Education would be represented on the Teacher Certification Board, not Yukon College.
- Consensus:** May 31, 2001
-

Draft Recommendations

Part 12 - General

RECOMMENDATION # 152

- Current Act:** Section 326 (1) "On or before 10 years from the proclamation of this Act, the Minister shall establish a process for a review of the Act. (2) The Minister shall specify the process to be followed in the review referred to in subsection (1) and shall include in the process consultation with and involvement of the persons elected or appointed under this Act, the Council for Yukon Indians, the teachers' association and other groups interested in education in the Yukon. (3) A report of the process and recommendations resulting from the process shall be tabled in the Legislative Assembly by the Minister at the next session of the Legislative Assembly after the completion of the report."
- Proposed Change:** *Include language that would require a review of the Education Act within 10 years of the proclamation of this Act.*
- Clarification:** The Committee recommends another mandated review of the Education Act within 10 years of the proclamation of this legislation. This language allows flexibility in the scheduling of that review.
- Consensus:** May 9, 2001
-

RECOMMENDATION # 153

- Current Act:** Section 326(1) "On or before 10 years from the proclamation of this Act, the Minister shall establish a process for a review of the Act. (2) The Minister shall specify the process to be followed in the review referred to in subsection (1) and shall include in the process consultation with and involvement of the persons elected or appointed under this Act, the Council for Yukon Indians, the teachers' association and other groups interested in education in the Yukon. (3) A report of the process and recommendations resulting from the process shall be tabled in the Legislative Assembly by the Minister at the next session of the Legislative Assembly after the completion of the report."
- Proposed Change:** *Change 326(2) to read: "The Minister shall specify the process to be followed in the review referred to in subsection (1)."*
- Clarification:** School Councils, Yukon Teachers' Association, Department of Education – Agree. These partner groups did not think it was necessary to list the groups that would be involved in the review because the Minister would specify the principles of the process to be followed. First Nations would automatically be involved under the Self-Government Agreements.

Draft Recommendations
Part 12 - General

First Nations – Disagree. First Nations wanted to ensure that they would be involved in the review process and thought they should be listed specifically.

No Consensus: May 31, 2001



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